

LOCAL RULES

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF DELAWARE

(Effective February 1, 2001)
(Amended September 1, 2002 to add Rule 3007-1)

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Notice of Motion	Local Form 106
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Summons and Notice	Local Form 108
Adversary Proceeding Cover Sheet	Local Form 109

Application for Admission to Mediation/Voluntary	
Arbitration Program Register	Local Form 110A
Notice of Dispute Resolution Alternatives	Local Form 110B
Notice of Agenda of Matters Scheduled for Hearing	Local Form 111
Certificate of Retention of Debtor-In-Possession in Chapter 11	Local Form 112A
Certificate of Trustee's Authorization to Operate Debtor's	
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Notice of Objection to Claim	Local Form 113

**PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING
TO PETITION AND ORDER FOR RELIEF**

Rule 1001-1 Scope of Rules.

(a) Title and Citation. These rules ("Local Rules" or "Rules") shall be known as the "Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware" (hereinafter the "Court"). They may be cited as "Del.Bankr.LR ____".

(b) Application. These Rules and the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware (hereinafter the "District Court Rules" or "D.Del.LR.") shall be followed insofar as they are not inconsistent with the Bankruptcy Code (hereinafter the "Code") and the Federal Rules of Bankruptcy Procedure (hereinafter "Fed.R.Bankr.P."). These Rules and the forms appended hereto are available on the Court's website at www.deb.uscourts.gov. The local forms shall be known as the Local Bankruptcy Forms of the United States Bankruptcy Court for the District of Delaware (hereinafter the "Local Forms"). The Local Forms shall be used in the circumstances indicated by the titles of such forms. Unless otherwise noted in these Rules or ordered by the Court, all filings in the District of Delaware relating to cases under title 11 shall be made with the Clerk of the Bankruptcy Court ("Clerk") and shall be governed by these Rules and the District Court Rules, in addition to the Fed.R.Bankr.P. The Federal Rules of Civil Procedure ("Fed.R.Civ.P.") are applicable only to the extent provided herein or in the Fed.R.Bankr.P.

(c) Modification. The application of these Rules in any case or proceeding may be modified by the Court in the interests of justice.

(d) Effective Date. These Rules become effective on February 1, 2001.

(e) Relationship to Prior Rules; Actions Pending on Effective Date. These Rules supersede all previous Rules or General Orders promulgated by the Court, or any Judge of the Court. They shall govern all cases or proceedings filed after their effective date. They shall also apply to all proceedings pending on the effective date, except to the extent that the Court finds that would not be feasible or would work injustice.

Rule 1002-1 Petition Filing - Number of Copies. The following number of copies are required when filing a petition with the Court:

Chapter 7 (individual)	-	Original, plus 3
Chapter 7 (corporation)	-	Original, plus 5
Chapter 11 (fewer than 10 related debtors)	-	Original, plus 6
Chapter 11 (10 or more related debtors)	-	See Rule 1002-5
Chapter 13	-	Original, plus 5

The Court may change the number of copies of the petition required; notice of such change will be posted on the Court's website.

Rule 1002-2 Petitions by Non-Individuals. Any petitioner other than an individual shall be represented by counsel. In a voluntary case, there shall be filed with each copy of the petition a resolution authorizing the commencement of the bankruptcy case executed by the body whose approval is required for the commencement of a bankruptcy case under applicable law.

Rule 1002-3 Filing of Petition. A petition commencing a case under the Code may be filed in the office of the Clerk or by such electronic means as may be established by the Court.

Rule 1002-4 Return of Copy of Documents Filed. Only one (1) copy of documents filed with the Clerk shall be returned to the filer with a stamp or mark showing the date and time the document was filed.

Rule 1002-5 Petition Filing Requirements in Chapter 11 Cases with 10 or More Debtors. In chapter 11 cases with ten or more related debtors, the petitioners shall provide petition data in an electronic format, as specified by the Clerk's Office. The electronic filing shall provide all information required to be contained on the petition (i.e. debtor name, address, assets and liabilities, etc.), as well as all information required to be filed with the petition. A program entitled "Chapter 11" can be downloaded from the Court's website at www.deb.uscourts.gov. One hard copy of the petition and accompanying documents, including the list of all creditors on a 3.5" diskette, shall also be filed. The automation department of the Court can be contacted for assistance (telephone number 302-252-2949).

Rule 1006-1 Filing Fees.

(a) Petition filing fees are due at the time of filing. Individual filers may request that petition filing fees be paid in installments, by motion which must be accompanied by an initial payment. Upon filing a motion to pay filing fees in installments, the Clerk will issue a notice setting the date(s) when fees must be paid and stating that if the filing fee (or any installment) is not paid by the due date, the case may be dismissed.

(b) Case reopening fees are due at the time of filing of a motion to reopen unless the reopening (i) is to correct an administrative error, (ii) is to take action relating to the debtor's discharge or (iii) is accompanied by a request that the reopening fee be waived or deferred.

(c) The filing requirements and fee schedule appear on the Court's official website at www.deb.uscourts.gov.

Rule 1007-1 Label Matrix; Schedule of Income and Expenditures.

(a) List of Creditors and Equity Security Holders in Voluntary Cases. In every voluntary chapter 11 case in which there are more than 200 creditors, the petition shall be accompanied by a list of all creditors and parties with whom the debtor conducts business, together with their full mailing address, in electronic format as the Clerk's Office may designate. A certification shall be attached to the bankruptcy petition certifying that the disk contains the full and complete list required by this Rule for the case. Similarly, the list of equity security holders, as required by Fed.R.Bankr.P. 1007(a)(3), shall be filed in the same electronic format. The above lists shall be in the form regularly maintained by the debtors in the ordinary course of business, so long as it is sufficient to permit the notice/claims agent to promptly notice all creditors and equity security holders in the case.

(b) List of Creditors and Equity Security Holders in Involuntary Cases. Rule 1007-1(a) applies in involuntary cases, except that the lists shall be filed within the time prescribed by Fed.R.Bankr.P. 1007(a)(2).

(c) Schedule of Income and Expenses. If required by 11 U.S.C. § 521(1), the debtor shall also file a schedule of current income and current expenditures.

(d) Time for Filing Schedules and Statement of Financial Affairs. In a voluntary chapter 11 case, if the bankruptcy petition is accompanied by a list of all the debtor's creditors and their addresses, in accordance with paragraph (a) above, and if the total number of creditors in the debtor's case (or in the case of jointly administered cases, the debtors' cases) exceeds 200, the time within which the debtor shall

file its schedules and statement of affairs shall be extended to thirty (30) days from the date of the entry of the order for relief. Any further extension shall be granted, for cause, only upon filing of a motion by the debtor on notice in accordance with the Local Rules.

Rule 1007-2 Debtor in Possession Financing Bank Accounts in Chapter 11 Cases.

(a) Bank Accounts and Checks. Where the debtor uses pre-printed checks, upon motion of the debtor, the Court may, without notice and hearing, permit the debtor to use its existing checks without the designation “Debtor-In-Possession” and use its existing bank accounts. However, once the debtor’s existing checks have been used, the debtor shall, when reordering checks, require the designation of “Debtor-In-Possession” and the corresponding bankruptcy number on all such checks.

(b) Section 345 Waiver. No waiver of the investment requirements of section 345 shall be granted by the Court, except on notice with an opportunity for hearing, in accordance with these Rules. However, if a motion for such a waiver is filed on the first day of a chapter 11 case in which there are more than 200 creditors, the Court may grant an interim waiver until a hearing on the debtor’s motion can be held.

Rule 1009-1 Notice by Chapter 7 Debtor to Creditors Not Scheduled Prior to Meeting of Creditors. If at any time after the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341 in an asset case under chapter 7, the debtor amends Schedules D, E or F to add any creditor(s), the following procedures shall apply:

- (a) The debtor shall serve upon such additional creditors by first class mail:
 - (i) A copy of the original notice of meeting of creditors pursuant to 11 U.S.C.

§ 341; and

(ii) A notice informing the creditor of its right to file a proof of claim by the later of the bar date in the original notice or twenty (20) days from the date of this notice.

(b) The debtor shall file a certificate of service with the Court and a supplemental label matrix, clearly titled as such, with the name and correct mailing addresses of the debtor and all newly-scheduled creditors.

Rule 1009-2 Notice of Amendment of Schedules in Chapter 11 Cases. Whenever the debtor or trustee in a chapter 11 case amends the debtor's schedules to change the amount, nature, classification, or characterization of a debt owing to a creditor after a bar date has been set, the debtor or trustee shall within ten (10) days transmit notice of the amendment to the creditor, and notice of the creditor's right to file a proof of claim by the later of the bar date (if any) or twenty (20) days from the notice date. The debtor or trustee shall file a certificate of service of the notice with the Clerk, within five (5) days.

Rule 1014-1 Transfer of Cases or Adversary Proceedings to Another District. If a case or adversary proceeding is ordered transferred from this district, unless the transfer order is stayed, the Clerk shall, within two (2) business days of entry of such order, send by overnight courier to the Court to which the case or adversary proceeding is transferred (a) certified copies of the Court's or the District Court's order (and opinion, if any) transferring the case, and the docket entries in the case or adversary proceeding and (b) the originals of all other papers on file in the case or adversary proceeding. When transfer is ordered by the District Court, the Clerk of the District Court shall transmit the order of the District Court Judge to the Clerk of the Bankruptcy Court, who shall transfer the file as set forth above. In all cases so transferred, the Clerk of the Bankruptcy Court shall retain a copy of the docket entries in the case or adversary proceeding to date of transfer.

Rule 1015-1 Joint Administration of Cases Pending in the Same Court. If two (2) or more petitions are pending in the same Court by or against (1) a partnership and one or more of its general partners, or (2) two or more general partners, or (3) a debtor and an affiliate, the Court may order a joint administration of the estates, without notice or hearing. An order of joint administration may be entered upon the filing of a motion for joint administration, together with an affidavit or verification, which establishes that the joint administration of the respective debtors' estates is warranted, will ease the administrative burden for the Court and the parties and protects creditors of the different estates against potential conflicts of interest. An order of joint administration entered in accordance with this Rule may be reconsidered, upon motion of any party in interest at any time. Joint administration pursuant to this Rule shall not effect a consolidation of the respective debtors' estates.

**PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;
EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS**

Rule 2002-1 Notices to Creditors, Equity Security Holders, United States, and United States Trustee.

(a) Omnibus Hearings. In those chapter 11 cases in which the Court determines that this Rule shall apply, the Court shall set omnibus hearing dates for the case. The omnibus hearing dates shall be noted on the Court's calendar and may be obtained by anyone interested in the case by (i) viewing the calendar for the case on the Court's official website, (ii) contacting the Court, or (iii) contacting counsel for the debtor. Time permitting, at each omnibus hearing date, the Court will hear all motions timely filed pursuant to these Rules by any party in interest in the case in the order docketed with the Court, unless the Court otherwise directs.

(b) Service. In cases under chapter 11, all motions (except matters specified in Fed.R.Bankr.P. 2002(a)(1), (4), (5), (7), 2002(b), and 2002(f) and Local Rules 4001-1 and 9013-2) shall be served only upon counsel for the debtor, the United States Trustee, counsel for all official committees, all parties who file a request for service of notices pursuant to Fed.R.Bankr.P. 2002(i), and on any party whose rights are affected by the motion. If an official unsecured creditors' committee has not been appointed, service shall be made on the 20 largest unsecured creditors in the case in lieu of the committee.

(i) Service of Papers on the United States Trustee.

(A) Service by Overnight Mail. Service on the United States Trustee shall be made by overnight mail or hand-delivery of papers that require a response within five (5) business

days or less, or which relate to a Court hearing scheduled to take place within five (5) business days of the date of service.

(B) Service by Fax. Service by fax shall be limited to emergent situations where action or response is required within 48 hours. Every effort shall be made to limit faxes to a maximum of 20 pages per document. If it is necessary to serve via fax a document that will exceed 20 pages in length, the serving party shall telephone the intended recipient(s) in advance to obtain permission to send the fax.

(c) Service List. Counsel for the debtor shall be responsible for maintaining a list of all parties who are entitled to receive service (as set forth in subparagraph (b) of this Rule), and shall furnish it, upon request, to any party.

(d) Entry of Appearance. Any attorney entering his or her appearance in a chapter 11 case shall include in the Notice of Appearance the attorney's: (i) name, (ii) mailing address, including street address for overnight and hand delivery, (iii) telephone number, (iv) facsimile number, (v) e-mail address, if any, and (vi) party represented.

(e) Bar Date. In all cases under chapter 11, the debtor may request a bar date for the filing of proofs of claim or interests. If the request gives 10 days' notice to the United States Trustee and creditors' committee (or 20 largest unsecured creditors if no committee is formed), is filed after the Schedules and Statement of Financial Affairs have been filed and the § 341(a) meeting of creditors has been held, and provides that the bar date shall be not less than sixty (60) days from the date that notice of the bar date is served (and not less than 180 days from the order for relief for governmental units), the request may be granted without notice and hearing. On entry of the bar date order, the debtor shall serve

actual written notice of the bar date on all known creditors and their counsel (if known), all parties on the Service List described in subparagraph (c) of this Rule, all equity security holders, indenture trustees, the United States Trustee, and all taxing authorities for the jurisdictions in which the debtor does business.

(f) Notice and Claims Clerk. Upon motion of the debtor or trustee, at any time without notice or hearing, the Court may authorize the retention of a notice and/or claims clerk pursuant to 28 U.S.C. § 156(c). In all cases with more than 200 creditors, the debtor shall file such motion on the first day of the case or within ten (10) days thereafter. The notice and/or claims clerk may be retained to do any or all of the following: (1) prepare and serve all notices required in the case; (2) maintain copies of all proofs of claim and proofs of interest filed in the case; (3) maintain the official claims register; (4) maintain an up-to-date mailing list for all entities who have filed proofs of claim and/or requests for notices in the case; (5) assist the debtors with the reconciliation and resolution of claims; and (6) mail and tabulate ballots for purposes of voting in chapter 11 cases. The notice/claims clerk shall file an affidavit of service with the Court within five (5) days of the mailing of any notice by it.

Rule 2003-1 Submission of Interrogatories in Lieu of Live Testimony at Meetings Conducted Pursuant to 11 U.S.C. § 341 in Chapter 7 and Chapter 13 Cases.

(a) Upon written motion, and after notice and an opportunity for hearing, the Court may for cause shown permit a debtor to submit to examination by written interrogatories in lieu of the debtor's live appearance at a meeting of creditors or equity security holders convened pursuant to 11 U.S.C. § 341.

(b) A motion to proceed by written interrogatories filed by the debtor shall be served upon the interim trustee or the case trustee, as appropriate, the United States Trustee and all creditors who

have filed a request for notices pursuant to Fed.R.Bankr.P. 2002. A notice of the filing of the motion to proceed by written interrogatory shall be served upon all creditors who have not been served with the full motion.

(c) The form of the written interrogatories shall be determined by the interim trustee or the case trustee, as appropriate.

(d) The original copy of the debtor's answers to written interrogatories shall be filed by the debtor with the Court and served upon the case trustee or the interim trustee, as appropriate.

Rule 2004-1 Rule 2004 Examinations.

(a) Conference Required. Prior to filing a motion for examination or for production of documents under Fed.R.Bankr.P. 2004, counsel for the moving party shall attempt to confer (in person or telephonically) with the proposed examinee or the examinee's counsel (if represented by counsel) to arrange for a mutually agreeable date, time, place and scope of an examination or production. If agreement is reached, no motion shall be required, but a notice setting forth the identity of the examinee, and the date, time, place and scope of the examination or production shall be filed and served in accordance with this Rule.

(b) Certification of Conference Required. All motions for examination or production under this Rule shall include a certification of counsel that either: (i) a conference was held as required and no agreement could be reached; or (ii) a conference could not be held and an explanation of why such conference could not be held.

(c) Service Requirements. In addition to any other rules of service that generally apply, all motions for or notices of examination or production of documents shall be served upon the following

parties, through their counsel, if represented: (i) the debtor; (ii) the trustee; (iii) the United States Trustee; (iv) all official committees; and (v) the proposed examinee or party producing documents. All such motions shall be accompanied by a notice of motion setting forth an objection, response or answer deadline not less than seven (7) days from service of the motion and the date, time and place of the hearing.

Rule 2011-1 Certification of Debtor-In-Possession Status or Trustee Qualification. Whenever evidence is required that a debtor is a debtor-in-possession or that a trustee has qualified, the Clerk or the Clerk's designee may so certify in a document substantially in conformity with Local Form 112A or 112B.

Rule 2014-1 Employment of Professional Persons.

(a) Motion for Approval. Any entity seeking approval of employment of a professional person pursuant to 11 U.S.C. § 327, 1103(a) or 1114 or Fed.R.Bankr.P. 2014 (including retention of ordinary course professionals) shall file with the Court a motion, a supporting affidavit or verified statement of the professional person, and a proposed order for approval. Promptly after learning any additional material information relating to such employment (such as potential or actual conflicts of interest), the professional employed or to be employed shall file and serve a supplemental affidavit setting forth the additional information.

(b) Notice and Hearing. All retention motions filed with the petition shall be heard on the first omnibus date set in the case or the final debtor in possession financing hearing, whichever is first. Notice of the retention motion and hearing shall be given in accordance with Rules 9013-1 and 2002-1(b). If the retention motion is granted, the retention shall be effective as of the date the motion was filed unless otherwise ordered by the Court.

Rule 2016-1 Disclosure of Compensation. The attorney for the debtor shall file the disclosure statement required by 11 U.S.C. § 329 and Fed.R.Bankr.P. 2016(b) with its retention motion.

Rule 2016-2 Motion for Compensation and Reimbursement of Expenses.

(a) Scope of Rule. This Rule applies to:

- (i) Any motion of a professional person employed under 11 U.S.C. § 327, 328, or 1103 requesting approval for compensation and/or reimbursement of expenses; and
- (ii) Any request of an entity for payment of an administrative expense pursuant to 11 U.S.C. § 503(b)(3) or 503(b)(4).

(b) Effect of Rule. Any such motion or request for payment, in addition to complying with the Bankruptcy Code and Fed.R.Bankr.P. applicable to the filing and the contents of such a motion, shall comply with the information and certification requirements listed in sections (c)-(f) below. Any such motion not in compliance with these requirements will not be considered by the Court, unless a waiver is obtained pursuant to section (h) of this Rule.

(c) General Information Requirements.

- (i) The motion shall include, as its first page(s), Local Form 101 and the information requested therein. (Categories given are examples.)
- (ii) Immediately thereafter, the motion shall include Local Form 102 and the information requested therein. (Categories given are examples.) Where the applicant deems appropriate, the motion may also include a firm resume.
- (iii) The narrative portion of the motion shall inform the Court of circumstances which are not apparent from the activity descriptions or which the applicant wishes to bring to the attention

of the Court, including special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity, or reasons for substantial time billed relating to a specific activity.

(d) Information Requirements Relating to Compensation Requests. Such motion shall include activity descriptions which shall be sufficiently detailed to allow the Court to determine whether all the time, or any portion thereof, is actual, reasonable, and necessary and shall include the following:

(i) All activity descriptions shall be divided into general project categories of time.

(ii) All motions shall include complete and detailed activity descriptions.

(iii) Each activity description shall include a time allotment.

(iv) Activities shall be billed in increments of one-tenths of an hour (six minutes).

(v) Each activity description shall include the type of activity (e.g., phone call, research).

(vi) Each activity description shall include the subject matter (e.g., exclusivity motion, 341 meeting).

(vii) Activity descriptions shall not be lumped -- each activity shall have a separate description and a time allotment.

(viii) Travel time during which no work is performed shall be separately described and may be billed at no more than 50% of regular hourly rates.

(ix) The activity descriptions shall individually identify all meetings and hearings, each participant, the subject(s) of the meeting or hearing, and the participant's role.

(x) Activity descriptions shall be presented chronologically, or chronologically within each project category.

(e) Information Requirements Relating to Expense Reimbursement Requests.

(i) The motion shall contain an expense summary by category for the entire period of the request. Examples of such categories are computer assisted legal research, photocopying, out-going facsimile transmissions, airfare, meals and lodging.

(ii) Following the summary, the motion shall itemize each expense within each category, including the date the expense was incurred, the charge, and the individual incurring the expense (if available).

(iii) The motion shall state the requested rate for copying charges (which shall not exceed \$.15 per page), computer assisted legal research charges (which shall not be more than the actual cost), and out-going facsimile transmission charges (which shall not exceed \$1 per page, with no charge for incoming facsimile charges).

(iv) Receipts or other support for each disbursement or expense item for which reimbursement is sought must be retained and be available on request.

(f) Certification Requirement. The motion shall also contain a statement that the professional person seeking approval of the motion has reviewed the requirements of this Rule, and that the motion complies with this Rule.

(g) Service Requirement. For each employed professional person or entity within the scope of this Rule that has not received a copy of this Rule, debtor's local counsel shall provide a copy within ten (10) days of the date of the order approving such employment.

(h) Waiver Procedure. An employed professional person or entity within the scope of this Rule may request that the Court waive, for cause, one or more of the information requirements of this Rule. Such a request should be made in the same motion in which the person seeks Court approval to be employed, or as soon as possible thereafter, and shall be served on debtor's counsel, counsel to any official committee, as appropriate, and the United States Trustee. The caption of any motion that contains a waiver request shall explicitly state that the person is seeking waiver of one or more of the information requirements of this Rule.

(i) Form of Order. The form of order submitted to the Court shall specifically recite the amounts requested in fees and in expenses.

(j) Fee Examiners. The Court may in its discretion or on motion of any party, appoint a fee examiner to review fee applications and make recommendations for approval.

**PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND
EQUITY INTEREST HOLDERS; PLANS**

Rule 3001-1 Proofs of Claim in Chapter 7, 12 and 13 Cases. Any entity filing a proof of claim in a chapter 7, 12 or 13 case, shall provide the Clerk with the original proof of claim and one (1) copy for the trustee, and shall serve a copy on debtor's counsel or the debtor, if pro se. Any entity who files a proof of claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self addressed, postage-paid envelope.

Rule 3003-1 Proofs of Claim in Chapter 11 Case. Any entity filing a proof of claim in a chapter 11 case, shall file with the claims agent or, if no claims agent is appointed by the Court, the Clerk's Office, the original proof of claim and one (1) copy, and shall serve a copy on the trustee, if any. Any entity who files a proof of claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self addressed, postage-paid envelope.

Rule 3007-1 Omnibus Objection to Claims.

(a) Scope of Rule. This Rule applies to any objection to the allowance of a claim pursuant to an omnibus objection (i.e., an objection to claims asserted by more than one claimant) ("Objection").

(b) Effect of Rule. In addition to complying with those sections of the Bankruptcy Code and those rules of the Fed. R. Bankr. P. generally applicable to an objection to the allowance of a claim, any such objection shall comply with the information and certification requirements listed in sections (c)-(f) below.

(c) Filed v. Scheduled Claim. If a claim has been scheduled on the debtor's schedules of liabilities and is not listed as disputed, contingent, or unliquidated and a proof of claim has not been filed under Rules 3003, 3004 and/or 3005 of the Fed. R. Bankr. P., the debtor may not object to the claim. Instead, the debtor must amend its schedules pursuant to Rule 1009 of the Fed. R. Bankr. P. and provide notice as required by Local Rule 1009-2.

(d) Substantive v. Non-substantive Objections. An Objection is deemed to be on a substantive basis unless it is based on one or more of the following:

(i) a duplicate claim; provided, however, that a claim filed against two different debtors is not a duplicate claim unless the cases have been substantively consolidated by order of the Court;

(ii) a claim filed in the wrong case;

(iii) an amended or superseded claim;

(iv) a late filed claim;

(v) a claim filed by a shareholder based on ownership of stock; provided, however, that an Objection with respect to a claim filed by a shareholder for damages shall be deemed a substantive Objection;

(vi) a claim without any supporting documents attached thereto; provided, however, that if a claim has attached to it any supporting documents regardless of content, then the Objection shall be deemed substantive.

(e) General Requirements for Objections.

(i) Objection. Each Objection shall conform to the following requirements:

(A) Each Objection shall be filed as either substantive or non-substantive, but not both. A particular claim may be subject to both a substantive and a non-substantive Objection.

(B) The title of the Objection shall clearly state whether the Objection is on substantive or non-substantive grounds.

(C) Objections shall be numbered consecutively regardless of basis, i.e., 1st Omnibus (books and records), 2nd Omnibus (duplicate claims); not 1st Omnibus (books and records), 1st Omnibus (duplicate claims).

(D) An exhibit(s) of claims to which the Objection relates, which exhibit(s) shall be consistent with Rule 3007-1(e)(iii) below, must be attached to the Objection.

(E) The Objection shall also contain a statement by the objector or its counsel that the Objection complies with this Rule.

(ii) Affidavit or Declaration. If an affidavit or declaration is filed in support of the Objection, it shall state that the information contained in the exhibit is true and correct to the best of the objector's knowledge and belief.

(iii) Exhibits.

(A) Each exhibit attached to an Objection shall include, at a minimum, the information identified in the following table, with such information entered in the respective boxes as appropriate.

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	(4) Reason for Proposed Disallowance

(B) Each exhibit shall contain only those claims to which there is one common basis for objection (e.g., exhibit A duplicate claims; exhibit B amended or superceded claims).

(C) A claim for which there are two or more bases for objection (e.g., a claim that is both duplicative and late filed) shall be referenced on each applicable exhibit.

(D) Each exhibit shall have the claims listed alphabetically by the last name of the claimant (in the case of an individual) or the name of the entity (in the case of a corporation, partnership, limited liability company, etc.).

(E) If an Objection seeks to reduce the amount of a claim, a column shall be added between columns (3) & (4) titled "Modified Claim Amount," and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Modified Claim Amount	(4) Reason for Modification

(F) If an Objection seeks to change the priority of a claim, two columns shall be added between columns (3) & (4) titled "Claim Priority Status" and "Modified Priority Status," and column (4) shall be changed from "Reason for Disallowance" to "Reason for Modification."

(1) Name of Claimant	(2) Claim Number	(3) Claim Amount	Claim Priority Status	Modified Priority Status	(4) Reason for Modification

(G) If an Objection seeks to expunge amended or duplicate claims, the title of column (2) shall be changed from "Claim Number" to "Remaining Claim Number" and a column shall be added between columns (2) & (3) titled "Duplicate or Amended Claim to be Expunged."

(1) Name of Claimant	(2) Remaining Claim Number	Duplicate or Amended Claim to be Expunged	(3) Claim Amount	(4) Reason for Disallowance

(H) If an Objection seeks to expunge late filed claims, a column shall be added between columns (1) & (2) titled "Date Claim Filed."

(1) Name of Claimant	Date Claim Filed	(2) Claim Number	(3) Claim Amount	(4) Reason for Disallowance

(I) Where the Objection is based on substantive grounds, the exhibit must include a claim specific declaration in the column titled "Reason for Disallowance" giving sufficient detail as to why the claim should be disallowed. The following are examples of "sufficient detail" necessary to sustain an Objection on a substantive basis:

(1) If the claim is against a non-debtor entity, then the non-debtor entity must be identified.

(2) If the claim has been paid or satisfied pre-petition (not post-petition), then the check number and the date the check was issued must be identified. (An objection to a claim on the basis that the claim that has been paid or satisfied post-petition is not a valid objection.)

(3) If the claim includes a post-petition claim, then the date the post-petition claim arose must be identified.

(4) If the Objection is based on the debtor's lack of any books and records relating to the claim, then the objector must state, by affidavit or declaration, that the objector has made reasonable efforts to research the claim on the debtor's books and records.

(iv) Proofs of Claim. If the Objection is non-substantive, then copies of the proofs of claim need not be provided to the Court, except that proofs of claim relating to an Objection based on subsection (d)(vi) of this Rule (i.e., a claim without any supporting documents) shall be provided to the Court as set forth in subsubsections (A)-(C) below. When the Objection is substantive, a copy of the proofs of claim and all supporting documentation shall be provided to the Court as follows:

(A) Each proof of claim shall be separated by a tab.

(B) Proofs of claim shall be in the order as listed in the exhibit(s), with additional tabs indicating to which exhibit the claims relate.

(C) At least two weeks before the hearing on the Objection, a Notice of Submission of Proofs of Claim is to be filed, and delivered to Chambers with copies of the claims (with all attachments) along with the Objection to those claims. The Notice of Submission of Proofs of Claim stating that the claims have been delivered to Chambers and copies can be requested from objector's counsel shall be served upon all parties requesting notice pursuant to Rule 2002 of the Fed. R. Bankr. P.

(v) Notice of Objection to Claim Holder. Each claim holder whose rights are affected by an Objection shall receive a "Notice of Objection to Claim," which shall conform to Local Form 113 or a copy of the Objection.

(f) Requirements Relating to Substantive Objections.

(i) Each Objection that is based on substantive grounds shall be with respect to no more than one hundred fifty claims, unless the Court orders otherwise.

(ii) No more than two substantive Objections may be filed each calendar month, unless the Court orders otherwise.

(iii) An Objection based on substantive grounds shall include all objections on substantive grounds. Pursuant to Rule 7015 of the Fed. R. Bankr. P. an Objection can be amended; provided, however, that if an Objection to a particular claim is based upon insufficient documentation and is deemed substantive by virtue of subsection (d)(vi), and the claimant filed a response to the Objection and provided additional documentation or other information, then the Objection (solely as it relates to the claimant's additional documentation or other information) may be amended without written consent or leave of court.

(iv) The Court will not consider any substantive Objection to personal injury or wrongful death claims that would be in violation of 28 U.S.C. § 157(b)(2)(B).

(g) Pro se. Any claimant may participate pro se (and telephonically) at a hearing on an Objection to his claim by calling Chambers at least 24 hours prior to the scheduled hearing time. If more than one party is appearing by telephone, objector's local counsel shall conference all interested parties and place one call to the Court pursuant to Local Rule 9013-1(h) on telephonic appearances.

(h) Hearings On Objections. Hearings on Objections may ordinarily be scheduled to be held on the regularly scheduled omnibus hearing dates in chapter 11 cases, consistent with these Local Rules. When the Court determines that the hearing on a particular claim Objection will require substantial time for the presentation of argument and/or evidence, then the Court in its discretion may re-schedule the hearing on that claim for a different hearing date and time. Counsel may also request that a separate hearing on an Objection(s) based on substantive grounds be separately scheduled for a date and time convenient to the Court and parties.

Rule 3011-1 Release of Funds Paid into the Registry of the Court. In addition to the requirements set forth in 28 U.S.C. § 2042, any motion filed with the Court for the release of funds previously paid into the registry of the Court shall be served upon the United States Trustee and the chapter 11 debtor or trustee, if any.

Rule 3017-1 Approval of Disclosure Statement.

(a) Hearing on Disclosure Statement. Upon the filing of a disclosure statement, the proponent of the plan shall obtain hearing and objection dates from the Court and shall provide notice of those dates in accordance with Fed.R.Bankr.P. 3017. No motion for approval of the disclosure statement should be filed.

(b) Voting Procedures. The plan proponent shall timely file a motion, to be heard at the disclosure statement hearing, for approval of the voting procedures, including the form of ballots, the voting agent and the time and manner of voting.

(c) Service of Disclosure Statements. When a party in interest makes a written request of a plan proponent for service of a copy of the disclosure statement or plan pursuant to Fed.R.Bankr.P. 3017(a), service of that disclosure statement or plan shall be at the expense of the plan proponent.

Rule 3023-1 Special Procedures in Chapter 13 Matters. This Rule shall govern all cases filed under chapter 13 of the Code.

(a) Section 1326 Payments.

(i) The debtor shall, after commencing timely payments as required by 11 U.S.C. § 1326(a)(1), continue to make subsequent payments to the trustee in accordance with the proposed plan until the trustee or Court directs otherwise.

(ii) If the proposed plan provides for payment of secured debt through the plan, and the debtor is making timely pre-confirmation payments to the trustee, the debtor need not continue to make regular payments directly on such secured debt. If the proposed plan provides for direct payments to a secured creditor, or if no proposed plan is filed with the petition, the debtor shall continue to make regular payments to such secured creditor(s) as and when due.

(b) Deficiency Notices. A debtor filing a petition without a plan and/or required schedules will be issued a deficiency notice allowing fifteen (15) days to file the required documents. If the required documents are not filed by the due date, and the debtor has neither sought nor obtained an extension from the Court, the petition will be dismissed.

(c) Chapter 13 Plan and Plan Analysis. The debtor shall file a proposed plan or any modified plan substantially in the form of Local Form 103, together with a plan analysis substantially in the form of Local Form 104.

(d) Amended/Modified Plans.

(i) If an amended/modified plan is filed before the scheduled confirmation hearing on the previously filed plan, it shall be accompanied by a certificate of service evidencing that a copy of the amended/modified plan has been served upon each of the creditors listed in the chapter 13 Schedules and Statement of Affairs, the chapter 13 trustee, and the United States Trustee, in such a manner so as to ensure that such parties receive the amended/modified plan no less than two (2) business days prior to the confirmation hearing.

(ii) Any motion to modify a plan after confirmation shall be noticed by the Court.

(e) Distribution. Before commencing distribution of the debtor's funds under a confirmed plan, the trustee shall mail to the debtor a copy of that debtor's master report reflecting those creditors that have or have not filed proofs of claim. The trustee shall not distribute funds to any creditor unless a proof of claim has been filed and deemed allowed or allowed by Court order.

(f) Plan Funding. In all plans, funding shall be by payroll deduction unless otherwise agreed by the trustee or ordered by the Court upon a demonstration of cause shown by the debtor. A wage order must be submitted by the debtor at the time the plan is confirmed by the Court.

(g) Confirmation. If timely preconfirmation payments are made to the trustee, and no objections are received, the plan may be confirmed without further notice or hearing, upon the filing of a certificate by the trustee recommending that the Court confirm the plan.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

Rule 4001-1 Procedure on Request for Relief from the Automatic Stay of 11 U.S.C. § 362(a).

(a) Service. Upon the filing of a motion seeking relief from the automatic stay under 11 U.S.C. § 362, the movant shall file and serve a notice of hearing in the form attached hereto as Local Form 106A. In chapter 11 cases, where an individual seeks relief from the automatic stay to pursue a personal injury or wrongful death action, the movant need only serve counsel for the debtor or trustee, counsel for all official committees, counsel for the debtor in possession financing lenders and any other party directly affected by the motion. In all other cases, the motion shall be served on counsel for the debtor, counsel for all official committees, any trustee, all parties requesting notices and all known parties having an interest in the subject property or relief requested.

(b) Scheduling. In chapter 11 cases where omnibus hearing dates have been scheduled by the Court, the movant may notice its motion for any omnibus hearing date that provides at least fifteen (15) days' notice to the debtor. In all other cases, the movant shall obtain a hearing date from the Court in advance of filing and serving its motion and notice.

(c) Preliminary, Final Hearing. The hearing date specified in the notice will be a preliminary hearing at which the Court may hear oral argument, if there are no contested facts. If testimony is required, a final hearing will be scheduled by the Court.

(d) Supporting Documentation. With respect to a motion for relief from stay where the movant is seeking to foreclose on its collateral:

(i) The movant shall file, with the motion, the following documents:

(A) An affidavit and supporting exhibits containing the following data, if applicable:

(1) True copies of all notes, bonds, mortgages, security agreements, financing statements, assignments and every other document upon which the movant will rely at the time of hearing.

(2) A statement of amount due including a breakdown of the following categories:

- (a) Unpaid principal;
 - (b) Accrued interest from a specific date to a specific date;
 - (c) Late charges from a specific date to a specific date;
 - (d) Attorneys' fees;
 - (e) Advances for taxes, insurance and the like;
 - (f) Unearned interest; and
 - (g) Any other charges.
- (3) A per diem interest factor.

(B) The report of any appraiser whose testimony is to be presented at the hearing. The report shall include, without limitation, the qualifications of the appraiser, the factual basis for the appraisal, including comparable sales if utilized, and the method of appraisal.

(ii) At least five (5) business days prior to the hearing any party opposing the motion shall file with the Court and serve on the movant and all parties required to be served under this Rule the following documents:

- (A) Its response to the motion;
- (B) The report of any appraiser it intends to rely upon at the hearing, which report shall include the same detail as specified in subsection (c)(i)(B) herein; and
- (C) A statement as to how the movant can be adequately protected if the stay is to be continued.

(e) With respect to a motion for stay relief for all other purposes:

(i) The movant shall file with the motion a copy of all documents that the movant intends to rely upon at the hearing.

(ii) At least five (5) business days prior to the hearing, any party opposing the motion shall file with the Court and serve on the movant and all parties required to receive notice under this Rule, a copy of its response to the motion and all documents that it intends to rely upon at the hearing.

(f) The attorneys for the parties shall confer with respect to the issues raised by the motion in advance of the hearing for the purpose of determining whether a consensual order may be entered and/or for the purpose of stipulating to relevant facts such as the value of the property and the extent and validity of any security instrument.

Rule 4001-2 Cash Collateral and Financing Orders.

(a) Motions. Except as provided herein and elsewhere in these Rules, all cash collateral and financing requests under 11 U.S.C. §§ 363 and 364 shall be heard by motion filed pursuant to Fed.R.Bankr.P. 2002, 4001 and 9014 (“Financing Motions”).

(i) Provisions to be Highlighted. All Financing Motions must (1) recite whether the proposed form of order and/or underlying cash collateral stipulation or loan agreement contains any provision of the type indicated below, (2) identify the location of any such provision in the proposed form of order, cash collateral stipulation and/or loan agreement, and (3) the justification for the inclusion of such provision:

(A) Provisions that grant cross-collateralization protection (other than replacement liens or other adequate protection) to the prepetition secured creditors (i.e., clauses that secure prepetition debt by post-petition assets in which the secured creditor would not otherwise have a security interest by virtue of its prepetition security agreement or applicable law).

(B) Provisions or findings of fact that bind the estate or all parties in interest with respect to the validity, perfection or amount of the secured creditor’s prepetition lien or debt or the waiver of claims against the secured creditor without first giving parties-in-interest at least 75 days from the entry of the order and the creditors’ committee, if formed, at least 60 days from the date of its formation to investigate such matters.

(C) Provisions that seek to waive, without notice, whatever rights the estate may have under 11 U.S.C. § 506(c).

(D) Provisions that grant immediately to the prepetition secured creditor liens on the debtor’s claims and causes of action arising under 11 U.S.C. §§ 544, 545, 547, 548, and 549.

(E) Provisions that deem prepetition secured debt to be post-petition debt or that use post-petition loans from a prepetition secured creditor to pay part or all of that secured creditor's prepetition debt, other than as provided in 11 U.S.C. § 552(b).

(F) Provisions that provide disparate treatment for the professionals retained by a creditors' committee from that provided for the professionals retained by the debtor with respect to a professional fee carveout.

(G) Provisions that prime any secured lien, without the consent of that lienor.

(ii) All Financing Motions shall also provide a summary of the essential terms of the proposed use of cash collateral and/or financing (e.g., the maximum borrowing available on a final basis, the interim borrowing limit, borrowing conditions, interest rate, maturity, events of default, use of funds limitations, and protections afforded under 11 U.S.C. §§ 363 and 364).

(b) Interim Relief. When Financing Motions are filed with the Court on or shortly after the date of the entry of the order for relief, the Court may grant interim relief pending review by the interested parties of the proposed debtor-in-possession financing arrangements. Such interim relief is intended to avoid immediate and irreparable harm to the estate pending a final hearing. In the absence of extraordinary circumstances, the Court shall not approve interim financing orders that include any of the provisions previously identified in subsection (a)(i)(A) through (a)(i)(F) of this Rule.

(c) Final Orders. A final order shall be entered only after notice and a hearing pursuant to Fed.R.Bankr.P. 4001 and Local Rule 2002-1(b). Ordinarily, the final hearing shall be held at least ten

(10) days following the organizational meeting of the creditors' committee contemplated by 11 U.S.C. § 1102.

Rule 4002-1 Duties of Debtor under 11 U.S.C. § 521(3) and (4) in Chapter 7 and 13 Cases.

(a) The debtor shall deliver to the interim trustee no later than the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341, all books, records and papers, including appraisals, relating to property of the estate as well as copies of recorded documents, e.g., deeds and mortgages.

(b) The debtor, no later than the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341, shall advise the interim trustee in writing of the payoff amounts on all secured debts.

(c) Immediately upon the entry of an order for relief, the debtor shall give written notice to any court or tribunal where an action is pending against the debtor and to the parties and counsel involved in that action. If an action is commenced subsequent to the date of the order for relief, the debtor shall give similar written notice to the Court or tribunal and to all parties and counsel involved.

(d) Immediately upon the entry of an order for relief, the debtor shall give written notice to any creditor with a garnishment order, any garnishee defendant other than the debtor's employer, and any creditor who the debtor anticipates may seek a garnishment order.

Rule 4003-1 Exemptions.

(a) Amendment to Claim of Exemptions. An amendment to a claim of exemptions pursuant to Fed.R.Bankr.P. 1009 and 4003 shall be filed and served by the debtor on the trustee, the United States Trustee, and all creditors.

(b) Automatic Extension of Time to File Objections to Claim of Exemptions in Event of Amendment to Schedules to Add a Creditor. If the schedules are amended to add a creditor, and the amendment is filed and served either (i) less than 30 days prior to the expiration of the time set forth in

Fed.R.Bankr.P. 4003(b) for the filing of objections to the list of property claimed as exempt, or (ii) at any time after such filing deadline, the added creditor shall have 30 days from service of the amendment to file objections to the list of property claimed as exempt.

Rule 4004-1 Automatic Extension of Time to File Complaint Objecting to Discharge in Event of Amendment. If the schedules are amended to add a creditor, and the amendment is filed and served either (i) less than 60 days prior to the expiration of the time set forth in Fed.R.Bankr.P. 4004(a) for the filing of a complaint objecting to discharge, or (ii) at any time after such filing deadline, the added creditor shall have 60 days from service of the amendment to file a complaint objecting to discharge. Such circumstances shall be deemed to be "cause" for an extension, and no motion to extend shall be necessary.

Rule 4007-1 Automatic Extension of Time to File Complaint to Determine Dischargeability of a Debt in Event of Amendment. If the schedules are amended to add a creditor, and the amendment is filed and served either (a) less than 60 days prior to the expiration of the time set forth in Fed.R.Bankr.P. 4007 for the filing of a complaint to obtain a determination of the dischargeability of any debt, or (b) at any time after such filing deadline, the added creditor shall have 60 days from service of the amendment to file a complaint objecting to the dischargeability of its claim. Such circumstances shall be deemed to be "cause" for an extension, and no motion to extend shall be necessary.

PART V. COURTS AND CLERKS

Rule 5001-1 Clerk's Office; Hours; After Hours Filing. The normal business hours of the Office of the Clerk shall be Monday through Friday from 8:00 a.m. to 4:00 p.m., Eastern Time, except on legal and Court holidays. Papers filed with the Office of the Clerk, other than those requiring a filing fee, may be filed outside normal business hours by depositing them in the night depository maintained by the Clerk and shall be deemed filed as of the date and time stamped thereon. Each document deposited in the night depository shall be stamped in the upper right corner of the first page of the document.

Rule 5003-1 Lodged Exhibits; Documents under Seal.

(a) Lodged Exhibits. All models, diagrams, documents or other exhibits lodged with the Clerk that are admitted into evidence at trial shall be retained by the Clerk (unless required to be forwarded to an appellate court for purposes of an appeal) until expiration of the time for appeal without any appeal having been taken, entry of a stipulation waiving or abandoning the right to appeal, final disposition of any appeal, or order of the Court, whichever occurs first.

(b) Documents under Seal. Any party who seeks to file documents under seal must file a motion to that effect with the Clerk, with the documents proposed to be filed under seal in a separate prominently marked envelope containing the caption, title of the motion and legend “DOCUMENTS TO BE KEPT UNDER SEAL” in bold. The Clerk shall keep the documents segregated and under seal until the motion is decided. If the Court grants the motion to file under seal, the Clerk shall keep the documents segregated and under seal until further order of the Court.

Rule 5005-1 Electronic Case Filing. Petitions, motions and related documents may be filed with the Court through the use of electronic means. Requirements and procedures for electronic filing are available from the Clerk's Office.

Rule 5005-2 Facsimile Documents. Documents may not be transmitted by facsimile directly to the Clerk's office for filing. However, copies of facsimile documents shall be accepted for filing, provided that the legibility is reasonably equivalent to the original. The original of any faxed document, including the original signature of the attorney, party or declarant, shall be maintained by the filing party until the conclusion of the case, including any applicable appeal period, subject to being produced upon reasonable written notice.

Rule 5009-1 Closing of Chapter 11 Cases.

(a) Automatic. At the expiration of 180 days after the entry of an order confirming a chapter 11 plan, the Court shall enter a final decree closing the case unless a party in interest files a motion to delay the entry of a final decree.

(b) Motion. Notwithstanding paragraph (a) above, upon written motion, a party in interest may seek the entry of a final decree at any time after the confirmed plan has been substantially consummated provided that all required fees due under 28 U.S.C. § 1930 have been paid. A motion for the entry of a final decree shall be served upon the debtor or trustee, the United States Trustee, all official committees and all creditors who have filed a request for notice pursuant to Fed.R.Bankr.P. 2002 and Local Rule 9013.

(c) Final Report. The debtor (or trustee, if any) shall file a final report and account in the form prescribed by the United States Trustee the earlier of 150 days after entry of the confirmation order or 15 days before the hearing on any motion to close the case.

Rule 5009-2 Closing of Chapter 7 Cases.

(a) Final Report and Account. The notice given by the trustee of the filing of a final report and account in the form prescribed by the United States Trustee in a chapter 7 case shall have on its face in bold type the following language or words of similar import:

A PERSON SEEKING AN AWARD OF COMPENSATION OR REIMBURSEMENT OF EXPENSES SHALL FILE A MOTION WITH THE CLERK AND SERVE A COPY ON THE TRUSTEE AND THE UNITED STATES TRUSTEE NOT LATER THAN 20 DAYS PRIOR TO THE DATE OF THE HEARING ON THE TRUSTEE'S FINAL ACCOUNT. FAILURE TO FILE AND SERVE SUCH A MOTION WITHIN THAT TIME MAY RESULT IN THE DISALLOWANCE OF FEES AND EXPENSES.

(b) Closing Reports in Chapter 7 Asset and No Asset Cases. In a chapter 7 asset case, the trustee shall serve the original closing report (in a form designated by the United States Trustee), together with the affidavit of final distribution, upon the United States Trustee. In a chapter 7 no asset case, the trustee shall file the original closing report (in a form designated by the United States Trustee) with the Clerk, and serve a copy upon the United States Trustee.

Rule 5011-1 Motions for Withdrawal of Reference from Bankruptcy Court. A motion to withdraw the reference of a matter or proceeding shall be filed with the Clerk. The movant shall concurrently file with the Clerk a motion for a determination by the Bankruptcy Court with respect to whether the matter or proceeding is core or non-core. All briefing shall be governed by the District Court Rules.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

[No Local Rules]

PART VII. ADVERSARY PROCEEDINGS

Rule 7001-1 Summons and Notice of Trial. A party or attorney filing a complaint or third party complaint shall prepare a summons and notice of pretrial conference conforming to Local Form 108 and shall deliver the complaint and summons to the Clerk for the issuance of the summons and notice of pretrial conference. Once the summons is issued, the party or attorney filing the complaint or third party complaint shall be responsible for serving the summons and complaint.

Rule 7003-1 Adversary Proceeding Cover Sheet. Every complaint or other document initiating an adversary proceeding shall be accompanied by a completed adversary proceeding cover sheet, conforming to Local Form 109. This requirement is solely for administrative purposes, and matters appearing only on the civil cover sheet have no legal effect in the action. If the complaint or other document is submitted for filing without a completed adversary proceeding civil cover sheet, the Clerk shall retain the document and stamp on it the date and time submitted and promptly give notice of the omission to the party filing the document. When the adversary proceeding civil cover sheet has been completed, the Clerk shall docket the complaint or other document nunc pro tunc as of the date and time it was originally submitted. Persons filing complaints pro se are exempt from the requirements of this Rule.

Rule 7016-1 Fed.R.Civ.P. 16 Scheduling Conference. In any adversary proceeding, the pretrial conference scheduled in the summons and notice issued under Rule 7001-1 shall be deemed to be the scheduling conference under Rule 16(b) of the Fed.R.Civ.P.

(a) Attorney Conference Prior to Scheduling Conference.

(i) In the event that the date for submitting a motion or answer to the complaint attached to the summons and notice issued under Rule 7001-1 is at least 10 days prior to the date of the

Fed.R.Civ.P. 16 scheduling conference, all attorneys for all the parties shall confer at least seven (7) days prior to the Fed.R.Civ.P. 16 scheduling conference to discuss: (A) the nature of the case; (B) any special difficulties that counsel foresee in prosecution or defense of the case; (C) the possibility of settlement; (D) any requests for modification of the time for the mandatory disclosure required by Fed.R.Civ.P. 16(b) and 26(f); and (E) the items in 7016-1(b) below.

(ii) In the event that 7016-1(a)(i) does not apply, all attorneys for all parties shall confer on the items identified in that section, at least five (5) days prior to the Fed.R.Civ.P. 16 scheduling conference.

(b) Scheduling Conference. At the Fed.R.Civ.P. 16 scheduling conference, the Court will consider, in addition to the items specified in Fed.R.Civ.P. 16(b) and 16(c), the following matters:

- (i) whether the case is complex;
- (ii) for complex cases, the special issues set forth in D.Del.LR 16.1(b)(3);
- (iii) the possibility of settlement;
- (iv) whether the matter could be resolved by voluntary mediation or binding arbitration;
- (v) the briefing practices to be employed in the case, including what matters are or are not to be briefed and the length of briefs; and
- (vi) the schedule applicable to the case, including a pretrial and trial date, if appropriate. Trial shall be scheduled to occur within 12 months, if practicable, and no later than 18 months, after the filing of the complaint, except if the Court certifies that, because of the complexity or demands of

the case or otherwise, that (i) such a trial date is incompatible with serving the ends of justice, or (ii) the trial cannot reasonably be held within that time.

(c) Attendance at Scheduling Conference. Unless otherwise permitted by the Court pursuant to Rule 7016-3, the conference described in subparagraph (b) of this Rule will be an in-person conference. All counsel who expect to have a significant role in the prosecution or defense of the case are to attend the conference provided for by subparagraph (b) of this Rule.

Rule 7016-2 Pretrial Conference. A pretrial conference shall be held if scheduled in the Scheduling Order issued pursuant to Rule 7016-1(b) or if requested by a party pursuant to this Rule.

(a) Request for Pretrial Conference. Any party may request that a pretrial conference be held following the completion of discovery as provided in the Rule 16 scheduling order, by contacting the Court. At least fifteen (15) days' notice of the time and place of such pretrial conference shall be given to all other parties in interest by the attorney for the party requesting the pretrial conference.

(b) Failure to Appear at Pretrial Conference or to Cooperate. Unless otherwise permitted by the Court pursuant to Rule 7016-3, all counsel who will conduct the trial are required to appear before the Court for the pretrial conference. Should an attorney for a party fail to appear therefor or to cooperate in the preparation of the pretrial order specified in paragraph (d) hereafter, the Court, in its discretion, may in addition to the imposition of sanctions as provided in D.Del.LR 1.3, hold a pretrial hearing, ex parte or otherwise, and, after notice, enter an appropriate judgment or order.

(c) Attorney Conference Prior to Pretrial Conference. Attorneys for all of the parties, before the pretrial conference, shall become thoroughly familiar with the case and shall confer with the other attorneys as long and as frequently as may be required to enable plaintiff's attorney to comply with

paragraph (h) of this Rule and to permit each party to pre-mark all exhibits. Unless otherwise ordered by the Court, at such conferences each attorney shall produce all documents, papers, books, accounts, letters, expert reports, photostats, objects or other things proposed to be introduced into evidence, and shall furnish copies to opposing counsel of such exhibits if requested by opposing counsel, at the latter party's expense. At the same time, each attorney shall consider and discuss all matters which may expedite the pretrial conference and the trial of the case. Nothing contained in this Rule shall preclude the Court in its discretion from requiring any party to produce for the inspection of another such additional documents, papers, books, accounts, letters, expert reports, photostats, objects and other matters as the Court deems appropriate.

(d) Pretrial Order. At least five (5) business days prior to the pretrial conference, the attorney for the plaintiff shall file with the Clerk an original and one (1) copy of a proposed pretrial order, signed by an attorney for each party, which will cover such of the following items, as appropriate:

(i) A statement of the nature of the action, the pleadings in which the issues are raised (for instance, third amended complaint and answer) and whether counterclaims or cross-claims are involved.

(ii) The constitutional or statutory basis of federal jurisdiction, together with a brief statement of the facts supporting such jurisdiction.

(iii) A statement of the facts which are admitted and require no proof.

(iv) A statement of the issues of fact which any party contends remain to be litigated. This should be as detailed as circumstances permit.

(v) A statement of the issues of law which any party contends remain to be litigated, and a citation of authorities relied upon by each party.

(vi) A list of pre-marked exhibits, including designations of interrogatories and answers thereto, requests for admissions and responses, which each party intends to offer at the trial with a specification of those which may be admitted into evidence without objection, those to which there are objections and the Federal Rule of Evidence relied upon by the proponent of the exhibit. Copies of the exhibits, pre-marked and separated by tabs, shall be filed in binders by each party at least five (5) days before the pretrial conference or trial (if no pretrial is requested).

(vii) The names and addresses of all witnesses a party intends to call to testify either in person, or by deposition, at the trial and the specialties of experts to be called as witnesses.

(viii) A brief statement of what the plaintiff intends to prove in support of plaintiff's claims including the details of the damages claimed, or of other relief sought, as of the date of preparation of the draft order.

(ix) A brief statement of what the defendant intends to prove as a defense.

(x) Statements by counterclaimants or cross-claimants comparable to that required of plaintiff.

(xi) Any amendments of the pleadings desired by any party with a statement whether it is unopposed or objected to, and if objected to, the grounds therefor.

(xii) A certification that two-way communication has occurred between persons having authority in a good faith effort to explore the resolution of the controversy by settlement.

(xiii) Any other matters which the parties deem appropriate.

(xiv) The concluding paragraph of the draft of the pretrial order shall read:

**THIS ORDER SHALL CONTROL THE SUBSEQUENT
COURSE OF THE ACTION UNLESS MODIFIED BY THE
COURT TO PREVENT MANIFEST INJUSTICE.**

Rule 7016-3 Telephonic Fed.R.Civ.P. 16 Scheduling Conference or Pretrial Conference. At least 24 hours before the time scheduled for a scheduling conference or pretrial conference, any party to the conference may request that the conference be conducted by telephone, or that the party be permitted to participate by telephone. Such request may be made by telephone to the Court and shall be communicated contemporaneously to other counsel involved in the hearing or conference. Any party objecting to the request shall promptly advise the Court and other counsel.

Rule 7030-1 Who May Attend Deposition. A deposition may be attended only by (a) the deponent, (b) counsel for any party and members and employees of their firms, (c) a party who is a natural person, (d) an officer or employee of a party which is not a natural person designated as its representative by its counsel, (e) counsel for the deponent, (f) any consultant or expert designated by counsel for any party, (g) the United States Trustee, (h) counsel for any case trustee, (i) counsel for the debtor, and (j) counsel for any official committee. If a confidentiality order has been entered, any person who is not authorized under the order to have access to documents or information designated confidential may be excluded while a deponent is being examined about any confidential document or information.

Rule 7055-1 Default. All applications or motions for default judgment under Fed.R.Bankr.P. 7055 shall be served on the party against whom a default is sought, and its attorney if an entry of appearance has been filed in the adversary or bankruptcy case, in accordance with Rule 9013-1.

**PART VIII. APPEALS TO DISTRICT COURT OR BANKRUPTCY
APPELLATE PANEL**

Rule 8001-1 Appeals Generally.

(a) Notice to Official Committees. Simultaneously with the filing of any notice of appeal or notice of cross-appeal, with respect to an appeal in which any official committee in the bankruptcy case from which such appeal originated is not a named party to the appeal, the party filing such notice of appeal or notice of cross-appeal shall serve a copy of such notice on counsel to any such official committee and shall file with the notice of appeal or notice of cross-appeal a certificate of service.

(b) Committee Request for Notice. Any official committee wishing to be placed on the service list for any appeal for the purpose of receiving notices and copies of papers served shall, within twenty (20) days of service of the notice of appeal or the notice of cross-appeal as provided for in subparagraph (a) above, file with the Court a Request for Notice. Such notice shall become part of the record for the appeal to be transmitted to the District Court Clerk by the Clerk.

(c) Intervention. Nothing contained herein shall affect or in any way determine any official committee's right to intervene in any appeal or cross-appeal or its obligation to seek leave to intervene in any appeal or cross-appeal if such official committee is not a named party to such appeal or cross-appeal.

Rule 8001-2 Appeals from District Court Orders. All appeals from a judgment, order or decree of a District Court Judge exercising original jurisdiction pursuant to 28 U.S.C. § 1334 over a bankruptcy case, matter or proceeding docketed in the Clerk's Office shall be:

(a) filed with the Clerk;

(b) directed by the Clerk to the Third Circuit Court of Appeals; and

(c) treated as an appeal from a final judgment, order or decree of a district court exercising jurisdiction under 28 U.S.C. § 1334 for purposes of Rule 6(a) of the Federal Rules of Appellate Procedure.

Rule 8006-1 Filing of Copies of Record on Appeal. Each party to an appeal who designates portions of the record to be included in the record for such appeal shall provide the Clerk, along with such designation, one (1) copy of each item of the record it designates to be included in the record on appeal, and shall serve a copy of any item designated on all other parties to the appeal if requested.

PART IX. GENERAL PROVISIONS

Rule 9004-1 Caption.

(a) Documents submitted for filing shall contain in the caption the title of the case, the initials of the Judge to whom the case has been assigned, the docket number assigned to the case, and, if applicable, the adversary proceeding number. All documents filed with the Clerk which relate to a document previously filed and docketed shall contain in its title the title of the related document and its docket number (if available).

(b) The hearing date and time and the objection date and time of a motion shall be set forth in bold print: (i) in the caption of the notice and motion and all related pleadings, below the case or adversary number; and (ii) in the text of the notice.

Rule 9006-1 Time for Service and Filing of Motions and Objections.

(a) Generally. Fed.R.Bankr.P. 9006 applies to all cases and proceedings in which the pleadings are filed with the Clerk.

(b) Discovery Related Motions. All motion papers under Fed.R.Bankr.P. 7026 through 7037 shall be filed and served so as to be received at least five (5) business days before the hearing date. When such service is made, any objection shall be filed and served so as to be received at least the day preceding the hearing date.

(c) All Other Motions. Unless the Fed.R.Bankr.P. or these Rules state otherwise, all motion papers shall be filed and served in accordance with Local Rule 2002-1(b) at least fifteen (15) days (eighteen (18) days if service is by mail) prior to the hearing date. Where such service is made, any objection shall be filed and served so as to be received at least five (5) business days before the hearing

date. The objection deadline may be extended by agreement of the movant only if the extended deadline is no later than 48 hours before the hearing and is indicated on the agenda.

(d) Reply Papers. No reply papers shall be filed unless ordered by the Court.

(e) Shortened Notice. No motion will be scheduled on less notice than required by these Rules or the Fed.R.Bankr.P. except by Order of the Court, on written motion (served on all interested parties) specifying the exigencies justifying shortened notice. The Court will rule on such motion promptly without need for hearing.

Rule 9006-2 Bridge Orders Not Required in Certain Circumstances. If a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Code, the Fed.R.Bankr.P., these Rules, the District Court Rules, or Court Order, the time shall automatically be extended until the Court acts on the motion, without the necessity for the entry of a bridge order.

Rule 9010-1 Representation and Appearance by Counsel.

(a) Local Counsel. Except as otherwise provided herein, District Court Rule 83.5(d) shall apply to all bankruptcy proceedings.

(b) Pro Hac Vice. Counsel may be admitted pro hac vice only upon motion and after satisfaction of the requirements of District Court Rule 83.5(c). If a motion for pro hac vice is made orally in open court, it shall be followed promptly by the filing of a written motion, substantially in conformity with Local Form 105, signed by local counsel and the applicant.

(c) Exceptions to Association with Local Counsel Requirement.

(i) Claim Litigation. Association with local counsel shall not be required for the filing or prosecution of a proof of claim or response to an objection to a proof of claim. The Court may,

however, direct the claimant to associate with local counsel if the claim litigation will involve extensive discovery or trial time.

(ii) Government Attorneys. An attorney not admitted in the United States District Court for the District of Delaware but admitted in another United States District Court may appear representing the United States of America (or any officer or agency thereof) or any State (or officer or agency thereof) so long as a certification is filed, signed by that attorney, stating (i) the courts in which the attorney is admitted, (ii) that the attorney is in good standing in all jurisdictions in which he or she has been admitted and (iii) that the attorney will be bound by the Rules of this Court and submits to the jurisdiction of this Court for disciplinary purposes.

Rule 9010-2 Substitution; Withdrawal.

(a) Substitution. If a party in an adversary proceeding or a debtor in any case wishes to substitute attorneys, a substitution of counsel signed by the original attorney and the substituted attorney shall be filed. If a trustee, debtor or official committee wishes to substitute attorneys or any other professional whose employment was subject to approval by the Court, a motion for retention of the new professional must also be filed.

(b) Service. Substitutions and motions under this Rule shall be served in an adversary proceeding on all parties to the proceeding and in a case on all parties requesting notice pursuant to Fed.R.Bankr.P. 2002.

(c) Effect of Failure to Comply. Until subparagraphs (a) and (b) of this paragraph are complied with and an order, if necessary, is entered, the original attorney remains the client's attorney of record.

Rule 9011-1 Signing of Electronically Transmitted Pleadings; Representations to the Court. The transmission of a pleading by electronic means shall constitute a signature by the attorney transmitting the pleading and the representations to the Court of such attorney as required by Fed.R.Bankr.P. 9011(b). The attorney shall maintain a copy of such pleading with his original signature.

Rule 9013-1 Motions.

(a) Requests for Relief. No request for relief (not otherwise governed by Fed.R.Bankr.P. 7001) may be made to the Court, except by written motion, by oral motion in open court or by certification of counsel. Letters from counsel or parties will not be considered.

(b) Cases with Omnibus Hearing Dates. In each case the Court may enter a scheduling order establishing omnibus hearing dates and the procedures for scheduling and conducting hearings on such omnibus hearing dates. In cases where there are no omnibus hearings scheduled, a hearing date may be obtained by contacting the Court.

(c) Live Witnesses. At any evidentiary hearing, evidence shall be presented by live witnesses unless the parties submit a stipulation of facts or agree otherwise.

(d) Contents of Notice. Unless otherwise ordered by the Court, the movant shall give notice in writing of the hearing on a motion, signed by counsel for the movant, in substantial conformity with Local Form 106 setting forth:

- (i) the title of the motion in bold face;
- (ii) the date and time by which objections concerning the proposed motion shall be served and filed (which shall also be set forth in bold print in the caption, below the case and adversary number, if any);

(iii) the name and address of the parties on whom any objection shall be served; and

(iv) The date, place and time when the motion will be heard (in bold print in the caption, below the case and adversary number, if any) and (if appropriate) a statement that the motion may be granted and an order entered without a hearing unless a timely objection is made.

(e) Form of Motion. All motions shall have attached thereto a notice conforming to subsection (d) of this Rule, a proposed form of order specifying the exact relief requested, an order service list with debtor's local counsel, the United States Trustee, all official committees, and all other parties affected by the motion, together with the name and address of their attorneys, and a Certificate of Service showing the date, means of service, and parties served. All motions shall be titled in the form "Motion of [Movant's Name] for [Relief Requested]." If any exhibits are attached to the motion, they shall be separated by tabs on the right side. Counsel for the movant shall also attach a copy of the proposed form of order. Counsel shall bring a copy of the proposed form of Order (in WordPerfect 6.1 or higher format) to the hearing to allow modification, if necessary.

(f) Service of Motion and Notice. All motions shall be served in accordance with Rule 2002-1(b).

(g) Objections. Except for motions presented on an expedited basis, any objection to a motion shall be made in writing. The title of the objection shall conform to Rule 9004-1 and shall include the objector's name, the motion to which the objection relates, and the docket number of the motion. The hearing date and time shall be set forth in bold print in the caption, below the case and

adversary number, if any. If any exhibits are attached to the objection, they shall be separated by tabs on the right side.

(h) Telephonic Appearance at Hearing. In extenuating circumstances where counsel cannot appear at the first hearing on a motion, a request can be made to chambers for appearance by telephone at least 24 hours prior to the scheduled hearing time. If more than one party is appearing, the parties shall conference all interested parties and place one call to the Court. This Rule shall not apply to evidentiary hearings.

(i) Certificate of No Objection. After the objection date has passed with no objection having been filed or served, counsel for the movant may file a Certificate of No Objection substantially in the form of Local Form 107 stating that no objection has been filed or served on the movant. By filing such certification, counsel for the movant is representing to the Court that the movant is unaware of any objection to the motion or application and that counsel has reviewed the Court's docket and no objection appears thereon. Upon receipt of the Certificate of No Objection, the Court may enter the Order accompanying the motion or application without further pleading or hearing and, once the Order is entered, the hearing scheduled on the motion or application shall be canceled without further notice.

(j) Amendment of Order. Any request for amendment of an order entered by the Court shall be made only as follows: (i) if the amendment is non-material, by certification of counsel that the amendment is not material and that all parties in interest have consented to the amendment; (ii) by motion pursuant to this Rule, or (iii) by the filing of a stipulation to amend, signed by all interested parties. Any request for amendment shall have attached the proposed amended order and a blacklined copy reflecting the changes.

Rule 9013-2 Motions for Relief Filed with or Shortly After the Petition in Chapter 11 Cases.

(a) Definition. Any motion or application in which the debtor requests a hearing or the entry of an order with less than five (5) business days' notice and prior to the earlier of the creditors' committee formation meeting or the § 341 meeting of creditors shall be governed by this Rule.

(b) Scope of Relief Requested. Requests for relief under this Rule shall be confined to matters of a genuinely emergent nature required to preserve the assets of the estate and to maintain ongoing business operations and such other matters as the Court may determine appropriate.

(c) Notice to the United States Trustee. Where circumstances permit, counsel for the debtor shall contact the United States Trustee at least 48 hours prior to filing the petition for the purpose of advising the United States Trustee of the anticipated filing of the petition and the matters on which the debtor intends to seek relief. The debtor shall serve the applications and motions (in substantially final form) that the debtor asks be heard pursuant to this Rule by hand delivery upon the United States Trustee at least 24 hours in advance of the hearing and shall file a certificate of service to that effect. Once a petition is filed and the case is assigned to a Judge, the Court will contact counsel for the debtor and the United States Trustee to schedule a hearing on those motions.

(d) Notice of Entry of Orders. Within two business days of the hearing, the debtor shall serve copies of all motions and applications filed with the Court as to which an order has been entered pursuant to this Rule on the creditors included on the list filed pursuant to Fed.R.Bankr.P. 1007(d), on the United States Trustee and on such other entities as the Court may direct.

(e) Reconsideration of Orders. Any party in interest may file a motion to reconsider any order entered pursuant to this Rule, other than any order entered pursuant to 11 U.S.C. §§ 363 and

364 with respect to the use of cash collateral and/or approval of post-petition financing, within thirty (30) days of the entry of such order, unless otherwise ordered by the Court. Any such motion for reconsideration shall be given expedited consideration by the Court. The burden of proof with respect to the appropriateness of the order subject to the motion for reconsideration shall remain with the debtor notwithstanding the entry of such order.

Rule 9013-3 Service Copies. Unless otherwise ordered by the Court, only one (1) copy of pleadings, motions, and other papers need be served upon another party.

Rule 9019-1 Assignment of Disputes to Mediation or Voluntary Arbitration.

(a) Stipulation of Parties. Notwithstanding any provision of law to the contrary, the Court may refer a dispute pending before it to mediation, and, upon consent of the parties, to arbitration. During a mediation, the parties may stipulate to allow the mediator, if qualified as an arbitrator, to hear and arbitrate the dispute.

(b) Safeguards in Consent to Voluntary Arbitration. Matters may proceed to voluntary arbitration by consent where –

- (i) Consent to arbitration is freely and knowingly obtained; and
- (ii) No party is prejudiced for refusing to participate in arbitration.

Rule 9019-2 Arbitration.

(a) Referral to Arbitration Pursuant to Fed.R.Bankr.P. 9019(c). The Court may allow the referral of a matter to final and binding arbitration under Fed.R.Bankr.P. 9019(c).

(b) Referral to Arbitration Pursuant to 28 U.S.C. §654. The Court may allow the referral of an adversary proceeding to arbitration under 28 U.S.C. §654.

(c) Arbitrator Qualifications and Appointment. In addition to fulfilling the qualifications of a mediator found in Rule 9019-3(c), a person qualifying as an arbitrator hereunder must be certified as an arbitrator through a qualifying program which includes a bankruptcy component. An arbitrator shall be appointed (and may be disqualified) in the same manner as in Rule 9019-3(d). The arbitrator shall be liable only to the extent provided in Rule 9019-3(d)(iv).

(d) Powers of Arbitrator.

(i) An arbitrator to whom an action is referred shall have the power, upon consent of the parties, to –

- (A) Conduct arbitration hearings;
- (B) Administer oaths and affirmations; and
- (C) Make awards.

(ii) Subpoenas. The Fed.R.Civ.P. and Fed.R.Bankr.P. apply to subpoenas for the attendance of witnesses and the production of documents at a voluntary arbitration hearing.

(e) Arbitration Award and Judgment.

(i) Filing and Effect of Arbitration Award. An arbitration award made by an arbitrator, along with proof of service of such award on the other party by the prevailing party, shall be filed with the Clerk of Court promptly after the arbitration hearing is concluded. The Clerk shall place under seal the contents of any arbitration award made hereunder and the contents shall not be known to any judge who might be assigned to the matter until the Court has entered a final judgment in the action or the action has otherwise terminated.

(ii) Arbitration awards shall be entered as the judgment of the Court after the time has expired for requesting a determination *de novo*, with no such request having been filed. The judgment so entered shall be subject to the same provisions of law and shall have the same force and effect as a judgment of the Court, except that the judgment shall not be subject to review in any other court by appeal or otherwise.

(f) Determination *De Novo* of Arbitration Awards.

(i) Time for Filing Demand. Within 30 days after the filing of an arbitration award pursuant to Rule 9019-2(e) with the Clerk of Court, any party may file a written demand for a determination *de novo* with the Court.

(ii) Action Restored to Court Docket. Upon a demand for determination *de novo*, the action shall be restored to the docket of the Court and treated for all purposes as if had not been referred to arbitration.

(iii) Exclusion of Evidence of Arbitration. The Court shall not admit at the determination *de novo* any evidence that there has been an arbitration proceeding, the nature or amount of any award, or any other matter concerning the conduct of the arbitration proceeding, unless –

(A) The evidence would otherwise be admissible in the Court under the Federal Rules of Evidence; or

(B) The parties have otherwise stipulated.

(g) This Rule shall not apply to arbitration pursuant to 9 U.S.C. § 3, to the extent it is applicable.

Rule 9019-3 Mediation.

(a) Types of Matters Subject to Mediation. The Court may assign to mediation any dispute arising in an adversary proceeding, contested matter, or otherwise in a bankruptcy case.

(b) Effects of Mediation on Pending Matters. The assignment of a matter to mediation does not relieve the parties to that matter from complying with any other Court orders or applicable provisions of the United States Code, the Fed.R.Bankr.P., or the Local Rules of this Court. Unless otherwise ordered by the Court, the assignment to mediation does not delay or stay discovery, pretrial hearing dates, or trial schedules.

(c) The Mediation Process.

(i) Time and Place of Mediation Conference. After consulting with all counsel and *pro se* parties, the mediator shall schedule a convenient time and place for the mediation conference, and promptly give all counsel and *pro se* parties at least 14 calendar days written notice of the time and place of the mediation conference. The mediator shall schedule the mediation to begin as soon as practicable.

(ii) Submission Materials. Not less than seven calendar days before the mediation conference, each party shall submit directly to the mediator, and serve on all counsel and *pro se* parties, any materials (the “Submission”) the mediator directs to be prepared or assembled. The mediator shall so direct not less than 14 calendar days before the mediation conference. Prior to the mediation conference, the mediator may talk with the participants to determine what materials would be helpful. The Submissions shall not be filed with the Court and the Court shall not have access to them.

(iii) Attendance at Mediation Conference.

(A) Persons Required to Attend. The following persons must attend the mediation conference personally:

- (1) Each party that is a natural person;
- (2) If the party is not a natural person, including a government entity, a representative who is not the party's attorney of record and who has full authority to negotiate and settle the matter on behalf of the party;
- (3) If the party is a governmental entity that requires settlement approval by an elected official or legislative body, a representative who has authority to recommend a settlement to the elected official or legislative body;
- (4) The attorney who has primary responsibility for each party's case; and
- (5) Other interested parties such as insurers or indemnitors or one or more of their representatives, whose presence is necessary for a full resolution of the matter assigned to mediation.

(B) Failure to Attend. Willful failure to attend any mediation conference, and any other material violation of this General Order, shall be reported to the Court by the mediator and may result in the imposition of sanctions by the Court. Any such report of the mediator shall comply with the confidentiality requirement of this Rule. A person required to attend the mediation is excused from appearing if all parties and the mediator agree in advance of the mediation conference that the person need not attend. The Court for cause may excuse a person's attendance.

(iv) Mediation Conference Procedures. The mediator may establish procedures for the mediation conference.

(d) Confidentiality of Mediation Proceedings.

(i) Protection of Information Disclosed at Mediation. The mediator and the participants in mediation are prohibited from divulging, outside of the mediation, any oral or written information disclosed by the parties or by witnesses in the course of the mediation. No person may rely on or introduce as evidence in any arbitral, judicial, or other proceedings, evidence pertaining to any aspect of the mediation effort, including but not limited to: (a) views expressed or suggestions made by a party with respect to a possible settlement of the dispute; (b) the fact that another party had or had not indicated willingness to accept a proposal for settlement made by the mediator; (c) proposals made or views expressed by the mediator; (d) statements or admissions made by a party in the course of the mediation; and (e) documents prepared for the purpose of, in the course of, or pursuant to the mediation. In addition, without limiting the foregoing, Rule 408 of the Federal Rules of Evidence, any applicable federal or state statute, rule, common law or judicial precedent relating to the privileged nature of settlement discussions, mediation or other alternative dispute resolution procedure shall apply. Information otherwise discoverable or admissible in evidence, however, does not become exempt from discovery, or inadmissible in evidence, merely by being used by a party in the mediation.

(ii) Discovery from Mediator. The mediator shall not be compelled to disclose to the Court or to any person outside the mediation conference any of the records, reports, summaries, notes, communications or other documents received or made by the mediator while serving in such capacity. The mediator shall not testify or be compelled to testify in regard to the mediation in connection

with any arbitral, judicial, or other proceeding. The mediator shall not be a necessary party in any proceedings relating to the mediation. Nothing contained in this subsection shall prevent the mediator from reporting the status, but not the substance, of the mediation effort to the Court in writing, from filing a final report as required herein, or from otherwise complying with the obligations set forth in this Rule.

(iii) Protection of Proprietary Information. The parties, the mediator, and all mediation participants shall protect proprietary information.

(iv) Preservation of Privileges. The disclosure by a party of privileged information to the mediator does not waive or otherwise adversely affect the privileged nature of the information.

(e) Recommendations by Mediator. The mediator is not required to prepare written comments or recommendations to the parties. Mediators may present a written settlement recommendation memorandum to attorneys or *pro se* litigants, but not to the Court.

(f) Post Mediation Procedures.

(i) Preparation of Orders. If a settlement is reached at a mediation, a party designated by the mediator shall submit a fully executed stipulation and proposed order to the Court within twenty (20) calendar days after the end of the mediation. If the party fails to prepare the stipulation and order, the Court may impose appropriate sanctions.

(ii) Mediator's Certificate of Completion. Promptly after the mediation conference, the mediator shall file with the Court, and serve on the parties and the Mediation Program Administrator, a certificate in the form provided by the Court showing compliance or noncompliance with the mediation conference requirements of this General Order and whether or not a settlement has been

reached. Regardless of the outcome of the mediation conference, the mediator shall not provide the Court with any details of the substance of the conference.

(iii) Mediator's Report. In order to assist the ADR Program Administrator in compiling useful data to evaluate the Mediation Program, and to aid the Court in assessing the efforts of the members of the Register, the mediator shall provide the ADR Program Administrator with an estimate of the number of hours spent in the mediation conference and other statistical and evaluative information on a form provided by the Court. The mediator shall provide this report whether or not the mediation conference results in settlement.

(g) Withdrawal from Mediation. Any matter assigned to mediation pursuant to this General Order may be withdrawn from mediation by the Court at any time.

(h) Termination of Mediation. Upon the filing of a mediator's certificate pursuant to Rule 9019-3(f) or the entry of an order withdrawing a matter from mediation pursuant to Rule 9019-3(g), the mediation will be deemed terminated, and the mediator excused and relieved from further responsibilities in the matter without further order of the Court. If the mediation conference does not result in a resolution of all of the disputes in the assigned matter, the matter shall proceed to trial or hearing pursuant to the Court's scheduling orders.

Rule 9019-4 Mediator and Arbitrator Qualifications and Compensation.

(a) Register of Mediators and Arbitrators/ADR Program Administrator. The Clerk shall establish and maintain a register of persons (the "Register") qualified under this Rule and designated by the Court to serve as mediators or arbitrators in the Mediation or Voluntary Arbitration Program. The Chief Bankruptcy Judge shall appoint either a judge of this Court or a person qualified under this Rule who

is a member in good standing of the Bar of the State of Delaware to serve as the “ADR Program Administrator.” Aided by a staff member of the Court, the ADR Program Administrator shall receive applications for designation to the Register, maintain the Register, track and compile reports on the ADR Program, and otherwise administer the program.

(b) Application and Certification.

(i) Application and Qualifications. Each applicant shall submit to the ADR Program Administrator a statement of professional qualifications, experience, training and other information demonstrating, in the applicant’s opinion, why the applicant should be designated to the Register. The applicant shall submit the statement in the form attached hereto as Local Form 110A. The statement also shall set forth whether the applicant has been removed from any professional organization, or has resigned from any professional organization while an investigation into allegations of professional misconduct was pending, and the circumstances of such removal or resignation. This statement shall constitute an application for designation to the ADR Program. Each applicant shall certify that the applicant has completed appropriate mediation or arbitration training or has sufficient experience in the mediation or arbitration process. Each applicant hereunder shall agree to accept at least one *pro bono* appointment per year. If after serving in a pro bono capacity insufficient matters exist to allow for compensation, credit for pro bono service shall be carried into subsequent years in order to qualify the mediator to receive compensation for providing service as a mediator or arbitrator.

(ii) Court Certification. The Court in its sole and absolute determination on any feasible basis shall grant or deny any application submitted pursuant to this Rule. If the Court grants

the application, the applicant's name shall be added to the Register, subject to removal pursuant to these Rules.

(iii) Reaffirmation of Qualifications. Each applicant accepted for designation to the Register shall reaffirm annually the continued existence and accuracy of the qualifications, statements, and representations made in the application.

(c) Oath. Before serving as a mediator or arbitrator, each person designated as a mediator or arbitrator shall take the following oath or affirmation:

“I, _____, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me in the Mediation or Voluntary Arbitration Program of the United States Bankruptcy Court for the District of Delaware without respect to persons and will do so equally and with respect.”

(d) Removal from Register. A person shall be removed from the Register either at the person's request or by Court order entered on the sole and absolute determination of the Court. If removed by Court order, the person shall be eligible to file an application for reinstatement after one year.

(e) Appointment.

(i) Selection. Upon assignment of a matter to mediation (or arbitration) in accordance with these Rules, and unless special circumstances exist as determined by the Court, the parties shall select a mediator (or arbitrator). If the parties fail to make such selection within the time frame as set by the Court, then the Court shall appoint a mediator (or arbitrator).

(ii) Inability to Serve. If the mediator or arbitrator is unable to or elects not to serve, he or she shall file and serve on all parties, and on the ADR Program Administrator, within seven

(7) calendar days after receipt of notice of appointment, a notice of inability to accept the appointment.

In such event, the parties shall select an alternate mediator or arbitrator.

(iii) Disqualification.

(A) Disqualifying Events. Any person selected as a mediator or arbitrator may be disqualified for bias or prejudice in the same manner that a judge may be disqualified under 28 U.S.C. § 144. Any person selected as a mediator or arbitrator shall be disqualified in any matter where 28 U.S.C. § 455 would require disqualification if that person were a judge.

(B) Disclosure. Promptly after receiving notice of appointment, the mediator or arbitrator shall make inquiry sufficient to determine whether there is a basis for disqualification under this Rule. The inquiry shall include, but shall not be limited to, a search for conflicts of interests in the manner prescribed by the applicable rules of professional conduct for attorneys, and by the applicable rules pertaining to the profession of the mediator or arbitrator. Within seven (7) calendar days after receiving notice of appointment, the mediator or arbitrator shall file with the Court and serve on the parties either (a) a statement that there is no basis for disqualification and that the mediator or arbitrator has no actual or potential conflict of interest or (b) a notice of withdrawal.

(C) Objection Based on Conflict of Interest. A party to the mediation or arbitration who believes that the assigned mediator or arbitrator has a conflict of interest promptly shall bring the issue to the attention of the mediator or arbitrator, as applicable, and to the other parties. If the mediator or arbitrator does not withdraw, and the movant is dissatisfied with this decision, the issue shall be brought to the attention of the ADR Program Administrator by the mediator, arbitrator or any of the parties. If the movant is dissatisfied with the decision of the ADR Program Administrator, the issue shall

be brought to the Court's attention by the ADR Program Administrator or any party. The Court shall take such action as the Court deems necessary or appropriate to resolve the alleged conflict of interest.

(iv) Liability. Aside from proof of actual fraud or unethical conduct, there shall be no liability on the part of, and no cause of action shall arise against, any person who is appointed as a mediator or arbitrator pursuant to these Rules on account of any act or omission in the course and scope of such person's duties as a mediator or arbitrator.

(f) Compensation. A person will be eligible to be a paid mediator or arbitrator, if that person has been trained and certified by any nationally recognized certification program. Once eligible to serve as a mediator or arbitrator for compensation, which shall be at reasonable rates and subject to judicial review, the mediator or arbitrator may require compensation or reimbursement of expenses as agreed by the parties. Prior Court approval shall also be required if the estate is to be charged. If the mediator or arbitrator consents to serve without compensation, and, at the conclusion of the first full day of the mediation conference or arbitration proceeding it is determined by the mediator or arbitrator and the parties that additional time will be both necessary and productive in order to complete the mediation or arbitration, then:

(i) If the mediator or arbitrator consents to continue to serve without compensation, the parties may agree to continue the mediation conference or arbitration, and

(ii) If the mediator or arbitrator does not consent to continue to serve without compensation, the fees and expenses shall be on such terms as are satisfactory to the mediator or arbitrator and the parties, subject to Court approval. Where the parties have agreed to pay such fees and expenses,

they shall share equally all such fees and expenses unless the parties agree to some other allocation. The Court may, in the interest of justice, determine a different allocation.

(iii) Transportation Allowances. Subject to Court approval, if the estate is to be charged with such expense, the mediator or arbitrator may be reimbursed for actual transportation expenses necessarily incurred in the performance of duties.

(iv) Party Unable to Afford. If the Court determines that a party to a matter assigned to mediation or arbitration cannot afford to pay the fees and costs of the mediator or arbitrator, the Court may appoint a mediator or arbitrator to serve *pro bono* as to that party.

Rule 9019-5 Other Alternative Dispute Resolution Procedures. The parties may employ any other method of alternative dispute resolution.

Rule 9019-6 Notice of Court Annexed Alternative Dispute Resolution Program. The Court, at or before the first scheduled pre-trial conference, shall give notice of dispute resolution alternatives substantially in compliance with Local Form 110B.

Rule 9022-1 Service of Order or Judgment. Immediately upon the entry of a judgment or order, the Clerk shall serve a copy of the order or judgment on local counsel for the movant, who shall serve a copy of the order on all contesting parties and on other parties as the Court directs within forty-eight (48) hours and file a certificate of service to that effect.

Rule 9029-3 Hearing Agenda Required. In all chapter 7 asset cases and chapter 11 cases, debtor's counsel (or counsel to the trustee if one is appointed) shall file an agenda for each hearing held in the case, in substantial conformity to Local Form 111 and meeting the requirements set forth in this Rule.

(a) General Requirements of Agenda.

(i) Local counsel shall file an original and 9 copies of a proposed agenda before Noon on the day that is two (2) business days before the date of the hearing. Failure to file the agenda timely may subject counsel to a fine.

(ii) Resolved or continued matters shall be listed ahead of unresolved matters. Contested matters (and documents within each matter) shall be listed in the order of docketing with corresponding docket numbers. All amended agendas shall list matters as listed in the original agenda letter, with added matters being listed last and all changes being made in bold.

(iii) Copies of the proposed agenda shall be served upon local counsel who have entered an appearance in the case, as well as all other counsel with a direct interest in any matter on the agenda, reasonably contemporaneous with the Court filing.

(b) Motions.

(i) General Information: For each motion the agenda shall indicate the movant, the nature of the motion and the docket number. Supporting papers of the movant shall be similarly denoted.

(ii) Objection Information: For each motion the agenda shall indicate the objection deadline and any objection filed and its docket number, if available.

(iii) Status Information: For each motion the agenda shall indicate whether the matter is going forward, whether a continuance is requested (and any opposition to the continuance if known), whether any or all of the objections have been resolved and any other pertinent status information. Any amended agenda letter shall note material changes (in boldface) in the status of any agenda matter.

(c) Adversary Proceedings and Stay Motions. When an adversary proceeding or a motion for relief from stay is scheduled, the agenda shall indicate the adversary proceeding number or motion number, as the case may be, in addition to the information required by subparagraph (b), above.

Rule 9036-1 Electronic Transmission. Whenever a party is required to serve a pleading or copy of an order by these rules or otherwise, and another party has requested service by electronic transmission, the sender shall serve by electronic transmission and service is complete upon receipt by the sender of a confirmation of the electronic transmission.

LOCAL FORMS

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Case No. ____ - ____ (____)

Debtor

**APPLICATION OF _____
FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT
OF EXPENSES AS COUNSEL TO _____
FOR THE PERIOD FROM _____ THROUGH _____**

Name of Applicant: _____

Authorized to Provide
Professional Services to: _____

Date of Retention: _____

Period for which compensation and
reimbursement is sought: _____

Amount of Compensation sought as
actual, reasonable and necessary: _____

\$ _____

Amount of Expense Reimbursement sought
as actual, reasonable and necessary: _____

\$ _____

This is an: ____ interim ____ final application

The total time expended for fee application preparation is approximately ____ hours and the corresponding compensation requested is approximately \$ ____ .

If this is not the first application filed, disclose the following for each prior application:

		Requested		Approved	
Date Filed	Period Covered	Fees	Expenses	Fees	Expenses

**ATTACHMENT B
TO FEE APPLICATION**

Name of Professional Person	Position of the Applicant, Number of Years in that Position, Prior Relevant Experience, Year of Obtaining License to Practice, Area of Expertise	Hourly Billing Rate (including changes)	Total Billed Hours	Total Compensation
Grand Total:				
Blended Rate:				

COMPENSATION BY PROJECT CATEGORY

Project Category (Examples)	Total Hours	Total Fees
Asset Analysis and Recovery		
Asset Disposition		
Business Operations		
Case Administration		
Claims Administration and Objections		
Employee Benefits/Pensions		
Fee/Employment Applications		
Fee/Employment Objections		
Financing		
Litigation		
Plan and Disclosure Statement		
Relief from Stay Proceedings		
Tax Issues		
Valuation		
Other (Explain)		

Local Form 102 (Fee Application/Attachment B)

EXPENSE SUMMARY

Expense Category (Examples)	Service Provider (if applicable)	Total Expenses
Computer Assisted Legal Research		
Facsimile (with rates)		
Long Distance Telephone		
In-House Reproduction		
Outside Reproduction		
Outside Research		
Filing/Court Fees		
Court Reporting		
Local Travel		
Out-of-Town Travel		
Courier & Express Carriers (e.g. Federal Express)		
Postage		
Other (Explain)		

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter 13

Case No. ____-____ (____)

Debtor

CHAPTER 13 PLAN

The future earnings of the Debtor are submitted to the supervision and control of the Court and the Debtor's employer shall pay to the trustee the sum of \$_____ (monthly, bi-weekly, weekly, etc.) for _____ months.

From the payment so received, after deduction of allowed Trustee's commission, the Trustee shall make disbursements as follows:

Full payment in deferred cash payments of all claims entitled to priority under 11 U.S.C. § 507.

Debtor's Counsel Fees _____

Priority Taxes _____

Other Priority _____

Subsequent to (or pro rata with) dividends to priority creditors, holders of allowed secured claims shall retain the liens securing such claims and shall be paid as follows:

Long term or mortgage debt - ARREARAGE ONLY, to be paid to (Secured Creditor)
\$_____ (total amount of arrears). Debtor shall continue to make regular payments directly to (Secured Creditor).

Secured debt - Payments to: _____ in the amount of \$
_____ for payment in full of the net balance/value of property (strike one).

Other secured debt(s) to be treated as follows:

Subsequent to (or pro rata with) dividends to secured creditors, dividends to unsecured creditors whose claims are duly proved and allowed as follows:

Local Form 103 (Ch. 13 Plan)

General unsecured creditors will be paid _____% of their allowed claim on a pro rata basis.

(If applicable) The following leases or executory contracts of the Debtor will be treated as follows:

Title to the Debtor's property shall revert in the Debtor on confirmation of the plan.

A proof of claim must be filed in order to share in distributions under the Plan. Proofs of claim, in duplicate, shall be delivered or mailed to the Clerk of the Court, United States Bankruptcy Court, 824 North Market Street, Wilmington, Delaware 19801.

Debtor's Signature

Date

Joint Debtor's Signature

Date

Attorney for Debtor(s)

Date

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter 13

Case No. __-____ (____)

Debtor

CHAPTER 13 PLAN ANALYSIS

Debtor: _____

Case No.

Prior: Bankruptcy () Chapter 13 () Date: _____

Estimated Length of Plan: _____ months Trustee Use:

§ 341 Meeting Date: _____ Continued: _____

Confirmed Date: _____

**TOTAL DEBT PROVIDED FOR UNDER
THE PLAN AND ADMINISTRATIVE EXPENSES**

Total Priority Claims (Class One)

Unpaid attorney's fees	\$ _____
Taxes	\$ _____
Other	\$ _____

Total of Payments to Cure Defaults (Class Two) \$ _____

Total of Payments on Secured Claims (Class Three) \$ _____

Total of Payments on Unsecured Claims (Class Four) \$ _____

Sub-total \$ _____

Total Trustee's Compensation (10% of debtor's payments) \$ _____

Total Debt and Administrative Expenses \$ _____

RECONCILIATION WITH CHAPTER 7

Interest of Class Four Creditors If Chapter 7 Filed

1.	Value of Debtor's Interest in Non-exempt Property	\$ _____
2.	Plus: Value of Property Recoverable Under Avoiding Powers	\$ _____
3.	Less: Estimated Chapter 7 Administrative Expense	\$ _____
4.	Less: Amounts Payable to Priority Creditors other than costs of administration	\$ _____

Local Form 104 (Ch. 13 Plan Analysis)

5. Equals: Estimated Amount Payable to Class Four
Creditors if Chapter 7 Filed (if negative, enter zero) \$ _____
Estimated Dividend Under Plan \$ _____

Attorney for Debtor Date _____

Debtor Date _____

Spouse Date _____

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Case No. ____ - ____ (____)

Debtor

MOTION AND ORDER FOR ADMISSION PRO HAC VICE

____ [Name of Movant] _____, a member of the bar of this Court, pursuant to District Court Local Rule 83.5, moves the admission pro hac vice of [Name and Address of Admittee] to represent [Name of Party] in this action. The Admittee is admitted, practicing, and in good standing in [Name of Other Jurisdiction].

[Movant's Signature]

[Firm Name, Address and Telephone Number]

The Admittee certifies that he or she is eligible for admission pro hac vice to this Court, is admitted to practice and in good standing in the jurisdiction shown in the paragraph above, submits to the disciplinary jurisdiction of this Court for any alleged misconduct which occurs in the course of, or in the preparation of, this action, and has access to, or has acquired, a copy of the Local Rules of this Court and is generally familiar with such Rules.

[Admittee's Signature]

[Firm Name, Address and Telephone Number]

Motion granted.

BY THE COURT:

Date: _____

United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Case No. ____-____ (____)

Debtor

Objections due by:
Hearing Date:

NOTICE OF MOTION

TO: [Debtor/Debtor's counsel]

[Panel Trustee]

[Committee's counsel]

[United States Trustee]

[20 largest unsecured creditors]

[The Movant] has filed a Motion [title of Motion] which seeks the following relief: [Briefly describe relief sought].

You are required to file a response to the attached motion on or before _____.

[If the Motion is a Motion filed pursuant to Local Rule 9013-2, responses may be presented orally at the hearing.]

At the same time, you must also serve a copy of the response upon movant's attorney:
[Address of Movant counsel]

HEARING ON THE MOTION WILL BE HELD ON _____

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

BY: _____
[Counsel for the Movant]

Date

Local Form 106 (Notice of Motion)

CERTIFICATE OF SERVICE

I, _____, certify that I am not less than 18 years of age, and that service of this notice of motion and a copy of the motion was made on _____ [date] _____, upon:

[Party]

[Means of Service]

[Representing _____]

Under penalty of perjury, I declare that the foregoing is true and correct.

Date

Signature

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Debtor

Case No. ____ - ____ (____)

Motion No. _____

Objections due by:

Hearing Date:

**NOTICE OF MOTION OF _____ FOR RELIEF FROM STAY
UNDER SECTION 362 OF THE BANKRUPTCY CODE**

TO: [Debtor/Debtor counsel]

[Panel Trustee]

[Committee counsel]

[United States Trustee]

[The Movant] has filed a Motion for Relief from Stay which seeks the following relief: [Briefly describe relief sought].

HEARING ON THE MOTION WILL BE HELD ON _____, at ____ .m.

You are required to file a response (and the supporting documentation required by Local Rule 4001-1(d)) to the attached motion at least five business days before the above hearing date.

At the same time, you must also serve a copy of the response upon movant's attorney:

[Movant's attorney, address and telephone number.]

The hearing date specified above may be a preliminary hearing or may be consolidated with the final hearing, as determined by the Court.

The attorneys for the parties shall confer with respect to the issues raised by the motion in advance for the purpose of determining whether a consent judgment may be entered and/or for the purpose of stipulating to relevant facts such as value of the property, and the extent and validity of any security instrument.

By: _____

[Counsel for the Movant]

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Case No. ____ - ____ (____)

Debtor

Objections due by:

Hearing Date:

**CERTIFICATION OF NO OBJECTION
REGARDING DOCKET NO. _____**

The undersigned hereby certifies that, as of the date hereof, he or she has received no answer, objection or other responsive pleading to the [Application/Motion] filed on _____. The undersigned further certifies that he or she has reviewed the Court's docket in this case and no answer, objection or other responsive pleading to the [Application/Motion] appears thereon. Pursuant to the Notice of [Application/Motion], objections to the [Application/Motion] were to be filed and served no later than _____.

It is hereby respectfully requested that the Order attached to the [Application/Motion] be entered at the earliest convenience of the Court.

DATED: _____

By: _____

Counsel for _____

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Debtor(s)

Case No. ____ - ____ (____)

Plaintiff(s),

v.

Adversary Proceeding No. ____ (____)

Defendant(s).

SUMMONS AND NOTICE

YOU ARE SUMMONED and required to file a response to the attached complaint on or before _____, except that the United States or an officer or agency thereof shall file a response to the complaint on or before _____. The response shall be filed with the United States Bankruptcy Court, 824 Market Street, 5th Floor, Wilmington, Delaware 19801.

At the same time, you must also serve a copy of the response upon plaintiff's attorney:

YOU ARE NOTIFIED that a PRE-TRIAL CONFERENCE will be held on _____, at _____.m. in the United States Bankruptcy Court, 824 Market Street, 6th Floor, Courtroom # ____, Wilmington, Delaware 19801.

YOU ARE FURTHER NOTIFIED that a TRIAL will be held on _____ at _____ .m.. in the in the United States Bankruptcy Court, 824 Market Street, 6th Floor, Courtroom # ____, Wilmington, Delaware 19801.

FAILURE TO RESPOND TO THE SUMMONS MAY RESULT IN THE ENTRY OF A DEFAULT JUDGMENT AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

CLERK OF THE BANKRUPTCY COURT

Date

By: _____
Deputy Clerk

Local Form 108 (Summons and Notice)

CERTIFICATE OF SERVICE

I, _____, certify that I am, and at all times during the service of process was,
(name)
not less than 18 years of age and not a party to the matter concerning which service of process was
made, I further certify that service of this summons and a copy of the complaint was made
_____ by:
(date)

Mail service: Regular, first class United States mail, fully prepaid, addressed to:

Personal Service: By leaving the process with defendant or with an officer or agent of
defendant at:

Residence Service: By leaving the process with the following adult at:

Publication: The defendant was served as follows: [Describe briefly]

State Law: The defendant was served pursuant to the laws of the State of
_____, as follows: [Describe briefly]
(name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Date

Signature

Print Name		
Business Address		
City	State	Zip

PLAINTIFFS**DEFENDANTS**

ATTORNEYS (Firm Name, Address, and Telephone No.)

ATTORNEYS (If Known)

PARTY (Check one box only) ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 U.S. NOT A PARTY**CAUSE OF ACTION** (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)**NATURE OF SUIT**

(Check the one most appropriate)

☐ 454 To Recover Money or Property

☐ 435 To Determine Validity, Priority, or
Extent of a Lien or Other Interest
in Property

☐ 458 To obtain approval for the sale of
both the interest of the estate and
of a co-owner in property

☐ 424 To object to or revoke a discharge
11 U.S.C. § 727

☐ 455 To revoke an order of confirmation
of a Chap. 11, Chap. 12, or Chap.
13 Plan

☐ 426 To determine the dischargeability
of a debt 11 U.S.C. §523

☐ 434 To obtain an injunction or other
equitable relief

☐ 457 To subordinate any allowed claim
or interest except where such
subordination is provided in a plan

☐ 456 To obtain a declaratory judgment
relating to any of foregoing causes
of action

☐ 459 To determine a claim or cause of
action removed to a bankruptcy
court

☐ 498 Other (specify)

ORIGIN OF PROCEEDINGS ☐ 1 Original Proceeding ☐ 2 Removed Proceeding ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another Bankruptcy Court ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

(Check One Box Only)

DEMAND

NEAREST THOUSAND

OTHER RELIEF SOUGHT

JURY DEMAND

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES

NAME OF DEBTOR

BANKRUPTCY CASE NO.

DISTRICT IN WHICH CASE IS PENDING

DIVISIONAL OFFICE

NAME OF JUDGE

RELATED ADVERSARY PROCEEDING (IF ANY)

PLAINTIFF

DEFENDANT

ADVERSARY PROCEEDING NO.

DISTRICT

DIVISIONAL OFFICE

NAME OF JUDGE

FILING (Check one box only.) ☐ FEE ATTACHED ☐ FEE NOT REQUIRED ☐ FEE IS DEFERRED

FEE

DATE

PRINT NAME

SIGNATURE OF ATTORNEY (OR PLAINTIFF)

Local Form 109

INSTRUCTIONS

FOR COMPLETING ADVERSARY PROCEEDING COVER SHEET

This cover sheet must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney) and submitted to the Clerk of the Court upon the filing of a complaint initiating an adversary proceeding.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of Court. This form is required for the use of the Clerk of the Court to initiate the docket sheet and to prepare necessary indices and statistical records. A separate cover sheet must be submitted to the Clerk of the Court for each complaint filed. The form is largely self explanatory.

Parties. The names of the parties to the adversary proceeding *exactly* as they appear on the complaint. Give the names and addresses of the attorneys if known. Following the heading "Party," check the appropriate box indicating whether the United States is a party named in the complaint. Only parties who may be properly joined pursuant to Rule 7019 should be included.

Cause of Action. Give a brief description of the cause of action including all federal statutes involved. For example, "Complaint seeking damages for failure to disclose information, Consumer Credit Protection Act, 15 U.S.C. § 1601, et seq.," or "Complaint by trustee to avoid a transfer of property by the debtor, 11 U.S.C. § 544."

Nature of Suit. Place a "X" in the appropriate box. Only one box should be checked. If the cause fits more than one category of suit, select the most definitive.

Origin of Proceedings. Check the appropriate box to indicate the origin of the case:

1. Original Proceeding.
2. Removed from a State or District Court.
4. Reinstated or Reopened.
5. Transferred from Another Bankruptcy Court.

Demand. On the next line, state the dollar amount demanded in the complaint in thousands of dollars. For \$1,000 enter "1," for \$10,000, enter "10," for "100,000," enter "100," if \$1,000,000, enter "1000." If \$10,000,000 or more, enter "9999." If the amount is less than \$1,000, enter "0001." If no monetary demand is made, enter "XXXX." If the plaintiff is seeking non-monetary relief, state the relief sought, such as injunction or foreclosure of a mortgage.

Bankruptcy Case In Which This Adversary Proceeding Arises. Enter the name of the debtor and the docket number of the bankruptcy case from which the proceeding now being filed arose. Beneath, enter the district and divisional office where the case was filed, and the name of the presiding judge.

Related Adversary Proceedings. State the names of the parties and the six digit adversary proceeding number from any adversary proceeding concerning the same two parties or the same property currently pending in any bankruptcy court. On the next line, enter the district where the related case is pending, and the name of the presiding judge.

Filing Fee. Check one box. The fee must be paid upon filing unless the plaintiff meets one of the following exceptions. The fee is not required if the plaintiff is the United States government or the debtor. If the plaintiff is the trustee or a debtor in possession, and there are no liquid funds in the estate, the filing fee may be deferred until there are funds in the estate. (In the event no funds are ever recovered for the estate, there will be no fee). There is no fee for adding a party after the adversary proceeding has been commenced.

Signature. This cover sheet must be signed by the attorney of record in the box on the right of the last line of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is *pro se*, that is, not represented by an attorney, the plaintiff must sign.

The name of the signatory must be printed in the box to the left of the signature. The date of the signing must be indicated in the box on the far left of the last line.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re: _____)
)
COURT ANNEXED ALTERNATIVE) General Order # _____
DISPUTE RESOLUTION PROGRAM)
_____)

**APPLICATION FOR ADMISSION TO
MEDIATION OR VOLUNTARY ARBITRATION PROGRAM REGISTER**

General Instructions

- (1) Each applicant must read the Local Rules of the Bankruptcy Court for District of Delaware (the "Local Rules"). Copies of the Local Rules are available in the office of the Clerk of the Court.
- (2) If additional space is needed to respond fully to any item on this application, please set forth the response(s) on a separate page with an identification of the question number to which it responds, sign each such additional page, and attach hereto.
- (3) Please send with this application a diskette that contains a true copy of this application in a version of software acceptable to the Court.
- (4) Attorney applicants are to complete Parts I, II, and IV of this Application.
- (5) Non-attorney applicants are to complete Parts I, III and IV of this Application.

Part I. ALL APPLICANTS

Name: _____

Firm: _____

Office Address: _____

Street

City

State

Zip Code

Office Phone: _____

Office Fax: _____

Part II. ATTORNEY APPLICANTS.

1. List each state and federal court in which you currently are licensed to practice law:

Court

Date of Admission

2. If you have bankruptcy experience, list no more than three adversary proceedings or contested matters in which you have served as attorney of record for a party-in-interest from commencement through conclusion (i.e., judgment, order, or stipulation), or to the date of this application, whichever is earlier.

Case Title

Case Number

Jurisdiction

Dates

Representation

a.

b.

c.

3. If you have bankruptcy experience, list no more than three bankruptcy cases in which you have served as the principal attorney of record (without regard to the party represented) from commencement to conclusion, or to the date of this application, whichever is earlier.

Case Title

Case Number

Jurisdiction

Dates

Representation

a.

b.

c.

4. If you have participated in mediation or other ADR processes (either as a neutral or in another role), list no more than three of those matters below.

<u>Case Title</u>	<u>Case Number</u>	<u>Jurisdiction</u>	<u>ADR Process</u>	<u>Role</u>	<u>Dates</u>
-------------------	--------------------	---------------------	--------------------	-------------	--------------

a. _____

b. _____

c. _____

Part III. NON-ATTORNEY PARTICIPANTS.

1. If you have participated in mediation or other ADR processes (either as a neutral or in another role), list no more than three of those matters below.

<u>Case Title</u>	<u>Case Number</u>	<u>Jurisdiction</u>	<u>ADR Process</u>	<u>Role</u>	<u>Dates</u>
-------------------	--------------------	---------------------	--------------------	-------------	--------------

a. _____

b. _____

c. _____

Part IV. ALL APPLICANTS.

1. List any professional licenses you hold (other than bar admission) and include the number of years you have practiced in each profession listed (e.g. accountant, real estate broker, appraiser, engineer).

<u>Profession</u>	<u>Accrediting Organization</u>	<u>Years of Practice</u>
-------------------	---------------------------------	--------------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. List any professional organizations of which you are or were an active member, the length of your membership, and any positions held and/or projects completed.

<u>Organization</u>	<u>No. of Years</u>	<u>Active/Retired</u>	<u>Position/Projects</u>
---------------------	---------------------	-----------------------	--------------------------

3. List any relevant bankruptcy experience not included in any response above.

4. List any mediation or other alternative dispute resolution training that you have completed and that has qualified for continuing professional education credit or has been approved by a court of competent jurisdiction.

<u>Course Title</u>	<u>Trainer/School</u>	<u>Court/Sponsor</u>	<u>CLE Credit Hours/Dates</u>
---------------------	-----------------------	----------------------	-------------------------------

5. List speaking engagements, panel/seminar participation, teaching experience, etc.

6. List any other relevant experience, skills, honors, publications, or other information which you would like considered in connection with this application.

7. Have you been removed from any professional organization, or have you resigned from any professional organization while an investigation into allegations of professional misconduct was pending?

Yes _____

No _____

8. Check the locations in which you are willing to conduct mediation conferences or arbitration proceedings:

I hereby certify that I have read the Local Rules, that I meet the qualifications set forth therein for admission to this Court's Register of Mediators and Arbitrators, and that I will fully comply with the relevant provisions of this Court's Orders, Local Rules, and Local Forms, and any modifications thereto, relating to the ADR Program. I will immediately contact the ADR Program Administrator, and any parties for whom I have accepted appointment as a mediator or arbitrator, upon learning I am no longer qualified to serve pursuant to the provisions of Local Rule 9019-4(e).

If I am an attorney, I certify that I am a member in good standing of the state and federal bar(s) listed above. If I am not an attorney, I certify that I am a member in good standing of my profession.

I consent to disclosure of the information contained in this Application to Court personnel and to the parties and their representatives whose matters have been referred to the Mediation or Voluntary Arbitration Program.

I declare under penalty of perjury that the information contained in this Application is true and correct.

Executed on _____, _____ at _____.

Return completed application and diskette to:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:)	
)	
COURT ANNEXED ALTERNATIVE)	General Order # _____
DISPUTE RESOLUTION PROGRAM)	
_____)	

NOTICE OF DISPUTE RESOLUTION ALTERNATIVES

As party to litigation you have a right to adjudication of your matter by a judge of this Court. Settlement of your case, however, can often produce a resolution more quickly than appearing before a judge. Additionally, settlement can also reduce the expense, inconvenience, and uncertainty of litigation.

There are dispute resolution structures, other than litigation, that can lead to resolving your case. Alternative Dispute Resolution (ADR) is offered through a program established by this Court. The use of these services are often productive and effective in settling disputes. **The purpose of this Notice is to furnish general information about ADR.**

The ADR structures used most often are mediation, early-neutral evaluation, mediation/arbitration and arbitration. In each, the process is presided over by an impartial third party, called the “neutral”.

In mediation and early neutral evaluation, an experienced neutral has no power to impose a settlement on you. It fosters an environment where offers can be discussed and exchanged. In the process, together, you and your attorney will be involved in weighing settlement proposals and crafting a settlement. The Court in its Local Rules requires all ADR processes, except threat of a potential criminal action, to be confidential. You will not be prejudiced in the event a settlement is not achieved because the presiding judge will not be advised of the content of any of your settlement discussions.

Mediation/arbitration is a process where you submit to mediation and, if it is unsuccessful, agree that the mediator will act as an arbitrator. At that point, the process is the same as arbitration. You, through your counsel, will present evidence to a neutral, who issues a decision. If the matter in controversy arises in the main bankruptcy case or arises from a subsidiary issue in an adversary proceeding, the arbitration, though voluntary, may be binding. If a party requests *de novo* review of an arbitration award, the judge will rehear the case.

Your attorney can provide you with additional information about ADR and advise you as to whether and when ADR might be helpful in your case.

Dated _____

United States Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter __

Case No. __-____ (____)

Debtor.

**NOTICE OF AGENDA OF MATTERS SCHEDULED
FOR HEARING ON _____, __ AT ____ __.M.**

CONTINUED MATTERS

1. Title of Motion (Docket #)

Response Deadline:

Responses Received:

Status: (State the continued hearing date or date is to be determined.)

UNCONTESTED MATTERS

2. Motion (Docket #)

Response Deadline:

Responses Received:

Status: (State no objections have been received and a Certification of No Objection has been or will be filed. No hearing is required.)

CONTESTED MATTERS/SCHEDULING HEARING

3. Motion (Docket #)

Related Documents: (Only list documents which Court will need to review in relation to the matter scheduled.)

Response Deadline:

Responses Received:

Status: (State if negotiations are still occurring, the matter is going forward on oral argument or for scheduling purposes only.)

Local Form 111 (Agenda)

CONTESTED MATTERS/EVIDENTIARY HEARING

4. Motion (Docket #)

Related Documents: (Only list documents which Court will need to review in relation to the matter scheduled.)

Response Deadline:

Responses Received:

Status: (State number of witnesses to testify and estimated time needed.)

ADDITIONAL MATTERS (This section would be included on an **amended** agenda if counsel forgot to list matters on the original agenda.)

5. Motion (Docket #)

Related Documents:

Response Deadline:

Responses Received:

Status: (State if matter is continued, uncontested, scheduling or evidentiary.)

Date

Signature

Important Reminders:

- Number agenda matters consecutively. Do not start with No. 1 at each new section.
- Include stay motions and adversary proceedings in the above sections. Do not create a separate section for these matters.
- List Objections in order they appear on the docket.
- Amended agendas should have new material in **bold** only. There is no need to italicize or underline.

-Double check the updated docket before filing an agenda to be sure you have included all docket numbers on pleadings listed. Only matters filed within the past 24 hours may not be docketed yet and can be listed as TBD.

-If a Response does not appear to have been filed with the Court, please include a copy with the agenda.

-File the original and copies of agenda in the Clerk's Office. Send to chambers only if Court so directs.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter __

Case No. __-____ (____)

Debtor.

**CERTIFICATE OF RETENTION OF
DEBTOR-IN-POSSESSION IN CHAPTER 11**

I hereby certify that the above-named debtor continues in possession of its estate as debtor-in-possession, no trustee having been appointed, and is authorized to operate its business.

Clerk, United States Bankruptcy Court

Deputy Clerk

Local Form 112A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Case No. ____-____ (____)

Debtor

**CERTIFICATE OF TRUSTEE'S AUTHORIZATION
TO OPERATE DEBTOR'S BUSINESS IN CHAPTER 7**

I hereby certify that _____ has qualified as trustee for the above case, is in possession of debtor's estate and is authorized to operate the debtor's business under 11 U.S.C. § 721, pursuant to an Order dated _____.

Clerk, United States Bankruptcy Court

Deputy Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In Re:

Chapter ____

Debtor.

Case No. ____ - ____ (____)

Responses due by:

Hearing Date:

NOTICE OF OBJECTION TO CLAIM

TO: [Claim Holder and Counsel, if any].

The [objector] has filed the [title of Objection] (Docket No. [____]) which seeks to alter your rights by [describe effect of the Objection, i.e., disallowing, reducing, modifying, etc.] because [state reason for Objection to that particular claim holder].

You are required to file a response to the Objection on or before _____.

At the same time, you must also serve a copy of the response upon [objector's] attorney:

[Address of objector counsel]

HEARING ON THE OBJECTION WILL BE HELD ON _____.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF DEMANDED BY THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.

BY: _____

[Counsel for the objector]

Date